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## GUAM LAND USE COMMISSION REGULAR MEETING MINUTES



Department of Land Management Conference Room  
ITC Building, Tamuning



Thursday, April 13, 2017  
1:40 p.m. to 4:07 p.m.

**GUAM LAND USE COMMISSION**  
**Regular Meeting**  
**Thursday, April 13, 2017**  
Department of Land Management Conference Room  
3<sup>rd</sup> Floor ITC Building, Tamuning

**MEMBERS PRESENT:**

Mr. John Arroyo, Chairman

Mr. Victor Cruz, Vice Chairman

Mr. Tae S. Oh, Commissioner

Mr. Hardy T.I. Vy, Commissioner

Mr. Michael Borja, Executive Secretary

Excused Absence: Commissioner Conchita Bathan, Nicolas Toft (Legal Counsel)

**PLANNING STAFF PRESENT:**

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Frank Taitano, Case Planner

Mr. Penmer Gulac, Case Planner

Ms. Cristina Gutierrez, Recording Secretary

# GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION

## Attendance Sheet

Department of Land Management Conference Room  
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

Date of Meeting: Thursday, April 13, 2017

Time of Meeting: GLUC: 1:40pm GSPC:

X	GLUC
X	Regular
	Special
✓	Quorum
	No-Quorum

GSPC	
Regular	
	Special
	Quorum
	No-Quorum

### COMMISSION MEMBERS

### SIGNATURE

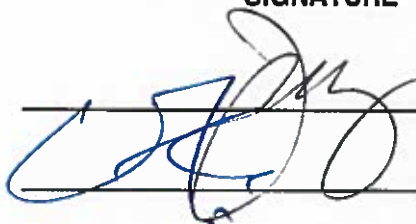

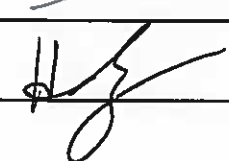
Chairman John Z. Arroyo

Vice Chairman Victor F. Cruz

Commissioner Conchita D. Bathan

Commissioner Tae S. Oh

Commissioner Hardy T.I. Vy

  
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Excused  
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### STAFF

Michael J.B. Borja, Executive Secretary

Nicolas E. Toft, Legal Counsel (OAG)

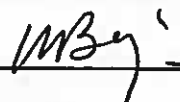
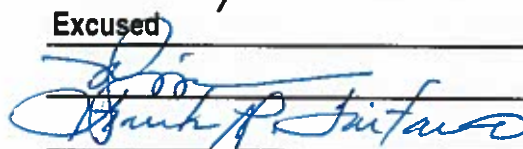
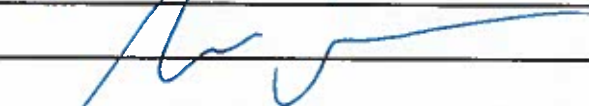

Marvin Q. Aguilar, Chief Planner

Frank Taitano, Planner IV

Penmer Gulac, Planner IV

Celine Cruz, Planner IV

M. Cristina Gutierrez, WPS II

  
\_\_\_\_\_  
Excused  
  
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ADJOURNMENT: GLUC: 4:07pm GSPC:

**Location: Department of Land Management Conference Room  
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning**

☒ Quorum ☐ No Quorum Adjournment: 4:07pm

GLUC Form 21 - GLUC Public Attendance Record Form - APRIL 2010

**Location: Department of Land Management Conference Room  
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning**

Date: Thursday, April 13, 2017

Time: 1:40 PM

Adjournment: 4:07 pm

[illegible]

**GUAM LAND USE COMMISSION REGULAR MEETING MINUTES**  
**Department of Land Management Conference Room, 3<sup>rd</sup> Floor ITC Bldg., Tamuning**  
**Thursday, April 13, 2017 • 1:40 p.m. to 4:07 p.m.**

**I. Attendance**

**Chairman Arroyo** called the regular meeting of the Guam Land Use Commission for Thursday, April 13, 2017 to order at 1:40 p.m., noting a quorum.

Present were: Chairman John Arroyo, Vice Chairman Victor Cruz, Commissioner Tae Oh, Commissioner Hardy Vy, Executive Secretary Michael Borja, Guam Chief Planner Marvin Aguilar, Planning Staff Frank Taitano, Penmer Gulac and Recording Secretary Cristina Gutierrez

[Excused – Commissioner Conchita Bathan and Legal Counsel Nicolas Toft]

**Chairman Arroyo** the agenda before you, do any of you want to make any changes to the order of the agenda.

**Vice Chairman Cruz** can we review and entertain the first two items on the agenda (Zone Changes, A and B) since the properties are adjacent from each other. However, when it is time to vote the applications will be voted separately.

[No objections noted from Chairman Arroyo and the Commissioners. For the record, Application No. 2016-39 and Application No. 2016-40 will be heard simultaneously.]

**II. Approval of Minutes**

**Chairman Arroyo** next item on the agenda is the approval of the Minutes from the last GLUC meeting of March 9, 2017. Can I get a motion to approve.

**Vice Chairman Cruz** I move to approve the Minutes of March 9, 2017.

**Commissioner Oh** seconds the motion.

**Chairman Arroyo** motion by Vice Chairman Cruz, seconded by Commissioner Oh. Any discussion on the minutes (none noted).

All in favor of the motion say "aye" [Vice Chair Cruz, Commissioner Oh and Commissioner Vy], all opposed say "nay."

**[Motion passed; Minutes of March 9, 2017 approved. No corrections noted]**

**III. Old or Unfinished Business [None]**

**IV. New Business**

**Zone Change**

- a. The Applicant, Carmen Mesa represented by FC Benavente, Planners; request for a Zone Change from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial) zone to fallow uniformity of zoning that is consistent with the existing and adjacent "M-1" neighborhood, on Lot No. 5224-3-1-1, in the Municipality of Barrigada, under Application No. 2016-39.

Case Planner: Penmer Gulac

- b. The Applicant, Ian Corporation represented by FC Benavente Planners; request for a Zone Change from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial) zone to allow for warehousing, offices and accessory uses, on Lot No. 5224-3-1-R1, in the Municipality of Barrigada, Under Application No. 2016-40.

Case Planner: Penmer Gulac

**Chairman Arroyo** is it okay to review both applications at the same time; these properties are adjacent to each other.

**[It was noted that Mr. Richard Sana, FC Benavente, Planners had no objection.]**

**Marvin Aguilar (Case Planner)** summarizes both staff reports to include purpose, facts, public hearing results, staff analysis/discussion, and recommendation. (For full content/context, please see attached staff report.)

**[Attachment A & Attachment B – Staff Report dated April 7, 2017]**

**Chairman Arroyo** Bureau of Statistics and Plans had an issue. They say that the applicant has not justified the public necessity, convenience and general welfare and they did not provide some required documentation. Did we get those documentations we needed? This was for Application 2016-39. I think what they were referring to was the requirement for a site plan.

**Marvin Aguilar** request for a change of zone is not for development structure. The focus should be on, if approved, what impact would the zone change have on the surrounding community.

[Discussion ensues on industrial development sprawl in the area by virtue of a public law which basically rezoned about ten to fifteen lots which changed the potential comprehensive planning of the area.]

**Chairman Arroyo** any other questions.

**Commissioner Oh** just a quick question, clarification. It does say on the initial report here that this is a zone change from "A" to "M1".

**Marvin Aguilar** it should be "R1" to "M1". For the record, we received the MPC Resolutions for both applications. [For full content/context please refer to attached exhibits.]

**[Exhibit 1/Exhibit 2 – Resolution 2017-001 and Resolution 2017-002]**

**Chairman Arroyo** anything else? Any other questions? [None noted] Let's invite the applicants and the applicants' representative up. Please state your name for the record.

**Richard Sana** (with FC Benavente, Planners representing the two applications for zone change; Carmen Mesa (2016-39) and Ian Corporation (2016-40).

Carmen Mesa is here today, and she is the applicant for Application 2016-39 and also the lessor of the property being leased by Ian Corporation.

The property, 2016-39 is an existing residence. We did not provide the site plan because the occupant is still living in the dwelling. And one of the reasons for the zone change is to have uniformity of the M1 zone in that area. If Ian Corporation is approved for M1 that would leave Carmen Mesa being the only R1-zone in that sector that we are looking.

For Ian Corporation, the purpose for the zone change is to allow for warehouse office and accessory uses. They have a construction supply company that serves the construction industry in the shoring, lightweight shoring and shielding system. The other necessity of having the property zone changed is because they desire to move out of their current Barrigada location which is in the Radio Barrigada area on the road between Happy Market, Guam Trades Academy which is adjacent to their existing office/operations. I think the new location is a more desirable location for them and more compatible with their operation. It takes them away from the neighborhood environment. There is a lot of traffic congestion because of the store, the elementary school and Guam Trades Academy. Also, behind their current location there are residential dwellings.

The new location has the potential of becoming a light industrial area, and it is gradually transforming that way.

And as I mentioned earlier, with the Carmen Mesa application it is just to keep that uniformity of the M1 zone because right now she is sandwiched between all these properties that are operating industrial type activities.

**Chairman Arroyo** with Carmen Mesa, there is a residential structure now?

**Richard Sana** she is currently living in that structure.

**Chairman Arroyo** are you planning to stay there once the property is rezoned?

**Carmen Mesa (Applicant)** no, I don't plan to stay there once I get it rezoned.

**Chairman Arroyo** are you going to develop that property for warehouses and other purposes that are allowable in M1?

**Carmen Mesa** probably in the future, not at this time.

**Chairman Arroyo** but, that is the intent.

**Carmen Mesa** because like he said the uniformity; I want it to go with everyone else in the compound because it is a cul-de-sac.

**Commissioner Oh** just a quick question. Are there difficulties residing there because...all your neighbors are currently industrial.

**Carmen Mesa** yes, that's why I choose to eventually leave because I don't have my view anymore, it's not an ocean view anymore or a city view and it's not so attractive as it was before.

**Chairman Arroyo** how about the noise from planes ---

**Carmen Mesa** the noise, the traffic, the dust. My swimming pool always has dust in it now. We don't even swim or hangout outside anymore.

**Commissioner Oh** so, you said your intentions are to move out once you rezone it.

**Carmen Mesa** yes, once it is rezoned.

**Commissioner Oh** so, what is the immediate plan for the property.

**Carmen Mesa** nothing right now. I have not thought of that. I just wanted to get it rezoned. Whatever I plan on doing once I move out; I will probably rent it out or sell it easily because of the neighborhood.

**Chairman Arroyo** we have heard a lot of applications to rezone from agriculture to M1, R1 to M1 in that area. We kind of agree that that really should be zoned something other than residential or agricultural specifically because it is right underneath the flight path, the hazardous of planes flying overhead, and just the things that you mentioned. This is the first time, at least as far as I can remember that we actually sat down with a property owner who lives there. It's good to hear that you are confirming some of the things that we thought that would make it uncomfortable for somebody who had a residence to live there. Thank you for coming in and saying that.

**Carmen Mesa** thank you.

**Chairman Arroyo** any other questions.

**Commissioner Oh** Richard, you mentioned that Ian Construction is currently utilizing the lot as mainly as an office space?

**Richard Sana** no, not this lot. They have an existing office and warehouse in Barrigada. They have a lot that has already been zoned M1 adjacent to the lot that we are talking about that is before you.

[Discussion ensues on lot location, as well as the current use.]

**Richard Sana** as a result of the public hearing, we have a letter from Ian Corporation to the Mayor of Barrigada because there was some issues that were raised during the public hearing. And the letter that was provided was a way of mitigating the issues and concerns that were raised at the public hearing.

**Vice Chairman Cruz** no, what we have is the resolutions.

**Chairman Arroyo** Penmer, were you at the public hearing? What were the issues?

**Penmer Gulac (Case Planner)** it was just to ensure that the roads were not blocked because of the residential homes. Some trailers are parked on the side of the road blocking the access of the right-of-way.

**Richard Sana** summarizes the letter from Ian Corporation to Mayor of Barrigada on mitigation of issues that were brought up at the public hearing. Issues include mud and debris on roadways, speeding vehicles, lack of a conceptual plan and parking on access easements. [For full content/context, refer to Exhibit 3]

[Exhibit 3 – Ian Corporation correspondence dated January 18, 2017]

**Vice Chairman Cruz** who is currently using the right-of-way, parking there? Is it the applicant or is it other people.

**Richard Sana** the applicant and other people. I believe Mr. Benavente that is right across the street was one of the concerned citizens that was at the public hearing.

**Chairman Arroyo** sir, if you want to come up and state your name for the record.

**Glenn Makepeace** I attended the public hearing and the issue was that at one time when there was very little to no activity in that area, Ian had some trailers parked on the easement, and it was blocking the entrance to Mr. Benavente's property. Now that Mr. Benavente has leased the property to Orion, the issue of vehicles parked on the side of the road no longer exists because Ian already moved it.

**Vice Chairman Cruz** so, I asked you which company was using it. The applicant is using the rights-of-way despite the property they that is vacant and everything they would rather park in the rights-of-way rather than ----

**Richard Sana** no, it's not on the rights-of-way because I saw where they were parking.

**Vice Chairman Cruz** well, that's the complaint.

**Richard Sana** no, they were not in the rights-of-way. If you are talking about the paved area or part of the roadway, they were actually parked on the shoulder of the rights-of-way which actually was blocking Mr. Benavente's property.

**Vice Chairman Cruz** how wide is the road, 40?

**Richard Sana** it says 50.

**Vice Chairman Cruz** so, he's parking within the 50-feet, not within his property. Can you ask him to explain it?

**Glenn Makepeace** if I may. The reason why Ian at that time had parking of his vehicles ---

**Vice Chairman Cruz** no, I want to hear it from Ian.

**Richard Sana** Mr. Ian is not here.

**Vice Chairman Cruz** unless you are speaking for Mr. Ian...I don't know. I don't like the way it's presented.

**Richard Sana** Mr. Cruz, if we are going to talk about the width of the right-of-way, the 50-foot right-of-way then Mr. Ian would have been parked within the boundaries of that right-of-way. But, that has been resolved due to this public hearing. Mr. Ian has removed the trailers and no longer there.

**Vice Chairman Cruz** so, it took this application to make him move.

**Richard Sana** it was not an issue until the public hearing when we found out that it was happening.

**Chairman Arroyo** prior to the public hearing Mr. Benavente never complained to Ian.

**Richard Sana** no. They actually know who Ian is and they are pretty familiar with the company and not hostile towards each other.

**Commissioner Oh** further back, is there a residence back there or is it undeveloped. I am talking about this property right here (referring to the map on the monitor). This is Ian's property, and it is right at the edge of the cliff. And this is Mr. Benavente's property and all these are undeveloped. And currently these properties are being utilized at M-1, and so the only real residence here is Carmen Mesa.

**Richard Sana** yes.

**[Discussion ensues --]**

**Chairman Arroyo** any other questions.

**Commissioner Oh** going back to that point you mentioned. You mentioned that Mr. Benavente leased out that undeveloped land over there to Orion. So, Orion is utilizing it mainly as an M-1 property.

**Richard Sana** correct.

**Chairman Arroyo** I would like to open the floor to public comment. Is there anybody in attendance who would like to say anything about these two applications, please come forward.

**Public Comment** [Seeing none, Chairman Arroyo closed the public comment period.]

**Chairman Arroyo** anything else you want to add? [No further comments noted from the applicant, consultant and the Commissioners.]

We've heard the presentation for both applications. So, let's take each of them one at a time, and we will start with Application 2016-39; this is the Carmen Mesa zone change request. I am ready to hear a motion.

**Commissioner Oh** Chairman Arroyo, I move to recommend approval of the zone change for the applicant Carmen Mesa represented by FC Benavente, Planners; request for a zone change from "R1" to "M1" zone to allow uniformity of zoning consistent with the existing and adjacent M-1 neighborhood, on Lot 5224-3-1-1, in the municipality of Barrigada, under Application No. 2016-39; and adhere to all ARC and Commission conditions.

**Chairman Arroyo** motion made by Commissioner Oh. Second?

**Commissioner Vy** second.

**Chairman Arroyo** second by Commissioner Vy. Any discussion on the motion? [None]

All in favor of the motion please say "aye" [Chairman Arroyo, Vice Chair Cruz, Commissioners Oh and Vy], all opposed please say "nay."

**[Motion to approve Application 2016-39 was passed unanimously]**

**Chairman Arroyo** on the second application; this is for 2016-40, zone change request for Ian Corporation.

**Commissioner Oh** Mr. Chairman, I move to approve the recommendation for the zone change of the applicant Ian Corporation represented by FC Benavente, Planners for their request for a zone change from "R1" to "M1" zone to allow for warehousing, office and accessory uses, on Lot 5224-3-1-R1, in the municipality of Barrigada, under Application No. 2016-40 adhering to all ARC recommendations and conditions as noted in the official position statements.

**Chairman Arroyo** with respect to the mitigating factors that was brought up at the public hearing; they are a matter of record, we don't need to make it a condition of this approval?

**Marvin Aguilar** no sir.

**Chairman Arroyo** we have a motion on the floor by Commissioner Oh, do I have a second?

**Commissioner Vy** second.

**Chairman Arroyo** any discussion on the motion? [None noted] All in favor of the motion please say "aye" [Chairman Arroyo, Vice Chair Cruz, Commissioners Oh and Vy], all opposed say "nay."

**[Motion to approve Application 2016-40 was passed unanimously]**

**Chairman Arroyo** let's move onto the next application –

**Tentative Subdivision**

- c. The Applicant, KOA Inc. represented by Ignacio F. Santos; request for a Tentative Subdivision approval to create a subdivision of 86-single family residential lots, on Tract 10441 (formerly Lot 7134), in an "R-1" (Single Family Dwelling) zone, in the Municipality of Yigo, under Application No. 2008-70C. Case Planner: Frank Taitano

**Frank Taitano (Case Planner)** reads the staff report to include facts, purpose, chronological facts, staff analysis/discussion, conditions and recommendation. [For full content/contest, please see attached staff report.]

**[Attachment C – Staff Report dated April 7, 2017]**

**Michael Borja (Executive Secretary)** can I ask a question. On this survey map, top right corner there is a bull-cart trail that enters into the perimeter of the lot. That bull-cart trail does not transit through the lot?

**Marvin Aguilar** no.

**Michael Borja** it ends?

**Frank Taitano** yes.

**Vice Chairman Cruz** it ends at the property line?

**Frank Taitano** on the western side.

**Vice Chairman Cruz** the property to the right of that they actually developed already and they widened the road.

**Marvin Aguilar** there are roads throughout the perimeter of this property.

**Commissioner Oh** let me understand this. There were certain previous actions; there was a zone change from "A" to "PUD", then there was a zone change again in 2008 from "PUD" to "R1." Then there was an approved tentative subdivision plan that was approved in November of 2008. And so within that same year there were two zone changes and then there was a tentative subdivision plan in 2008. Correct?

**Marvin Aguilar** yes; my understanding is that the one-year lapsed and that request dissolves.

**Commissioner Oh** so the applicant is back here to revive it. Is that the intention?

**Marvin Aguilar** yes. Perhaps the consultant can speak further on the matter.

**Chairman Arroyo** the Vice Chair and I were discussing this. This is just a tentative subdivision, and this is just for the subdivision of the lots and there is no development going on right now. There is no three-million dollar threshold that we need to be considering. **[Chief Planner Aguilar responds "no."]** So, we do not need to convene the hybrid commission.

**Marvin Aguilar** no, sir.

**Chairman Arroyo** alright.

**Vice Chairman Cruz** there is no survey approved map.

**Marvin Aguilar** what you have before you is the proposed subdivision.

**Chairman Arroyo** Tae (Oh), you had asked the question this was previously approved?

**Commissioner Oh** yes.

**Chairman Arroyo** was there a subdivision map that was previously approved?

**Commissioner Oh** yes.

**Frank Taitano** it was approved for a tentative, but they never actually started and it basically expired and basically back to square one.

**Chairman Arroyo** is this following the same layout as the previously approved map?

**Frank Taitano** there were a couple of changes in the ARC. In line with the Executive Secretary's question in reference to the bull-cart trail, there were changes. I think the initial subdivision ... because that bull-cart trail is now a public right-of-way for the Bordallo subdivision on the right-hand side. In the initial tentative they didn't want an access...transgress over to that subdivision. One of the changes of the ARC was not to, on the lower portion, put an

easement that goes into Bordallo subdivision, but Public Works didn't want that to happen and what they did was change that because there was the sewer and changed it.

[Discussion ensues--]

**Vice Chairman Cruz** on Lot 28, Block 2, third one from the top; in actuality, it has a very, very little rear lot?

**Frank Taitano** lot 28 because it abuts the right-of-way to the Bordallo subdivision it has no rear; it has two fronts and two sides.

**Chairman Arroyo** any other questions? [None noted] Okay, so we will open the floor to the applicant and its representative. Please state your name for the record.

**[Ike Santos representing KOA Inc. and Ernie Baldeviso, Project Engineer]**

**Ike Santos** in reference to the bull-cart trail on the bottom portion. We originally had a 40-foot easement that actually connects to the road; it is between Lots 14 and 16, at the bottom corner. Originally, that was a 40-foot access road that connects to that. At the ARC meeting, the former Mayor of Yigo came to the meeting and asked us if we could delete that easement because on the side of the subdivision they didn't want people driving through that way. So, instead of deleting the easement what we did was we changed it to a 10-foot utility easement.

This subdivision is actually Phase II of the entire ... actually Phase I was already built. What they did on the two roads that are accessing this subdivision, they already have the utilities there that is supposed to support it. Unfortunately, the previous developer did not go through with it, but everything was put in place already for it.

**Vice Chairman Cruz** there is sewer there?

**Ike Santos** yes.

**Vice Chairman Cruz** what you are trying to tell me is that Lot 1; Lot 10 has access to sewer? Which development plan are we talking about?

**Ike Santos** everything from the two roads which is by Lot 47, Lot 1 and Lot 10 and Lot 11 on the bottom portion. All the infrastructure was already, and was capped off at the two streets.

**Vice Chairman Cruz** the main entrance into this subdivision is there sewer available on that side or no?

**Ike Santos** there is sewer on the first phase. Everything was already set up for the second phase, but the second phase did not go through. Everything is there.

**Ernie Baldeviso** there is a stub-out already at these two entrances; the back and upper portion.

**Chairman Arroyo** that is Lots 1, 10 and 11; those two entrances?

**Ike Santos** yes.

**Chairman Arroyo** so, there is sewer up to there?

**Ernie Baldeviso** there is a stub-out already prepared.

**Chairman Arroyo** there is anything within the property boundary?

**Ike Santos** no, it was just stubbed out.

**Vice Chairman Cruz** so, there is sewer there. So, where is this development going to get their sewer?

**Ike Santos** through the drainage utility easement.

**Ernie Baldeviso** GWA wants us to connect ... there is existing manholes and water stub-out here which is connected all the way to Marine Drive.

**Vice Chairman Cruz** so, you are going to build this lift station within that utility easement?

**Ike Santos** no.

**Vice Chairman Cruz** where is the lift station going to be at.

**Ike Santos** it will be in the northern left corner. [Mr. Baldeviso added that it would be located very close to the ponding basin].

[Discussion ensues on the location of the sewer lift station, sewer connection, utility easement]

**Vice Chairman Cruz** are they going to fence this up or no? Or are you going to dedicate the 10-foot utility easement to Guam Waterworks?

**Ernie Baldeviso** of course, most likely.

**Ike Santos** the lots will be fenced; the bottom. For sure the one on the north everything will be fenced up.

**Chairman Arroyo** any other questions.

**Commissioner Oh** the previous approval of the tentative subdivision plan which was approved in 2008. Was that under a different owner?

**Ike Santos** yes.

**Commissioner Oh** so this company KOA....so, I am assuming the previous owner did Phase I correct?

**Ernie Baldeviso** no, it's another owner. Actually, this is another owner where he wants to develop also this proposed development. But, he didn't go through. There is another developer who bought that vacant property which is Blair Construction that came in for the tentative subdivision also.

**Commissioner Oh** so, Blair came in for a tentative subdivision. But, what I am saying is, Phase I who completed Phase I.

**Ernie Baldeviso** Phase I was developed by contractor Base Corporation. And now, KOA and Base are together for this development.

**Commissioner Oh** so, Blair came in in 2008 and they wanted to do a subdivision but it never really ....

**Ernie Baldeviso** it was approved, but it expired after a year for the construction of the infrastructure.

**Commissioner Oh** as of currently KOA acquired this lot and they want to move forward with it now. [Mr. Baldeviso responds "yes."] What is the scope of work for this...what I am trying to get to is ... upon approval of this, what is the actual scope of work?

**Ernie Baldeviso** infrastructure, roads, the 86 lots will be subdivided.

**Ike Santos** it is part of the tentative; you only have one year to complete the improvements which is the curbs, gutters, sidewalks, power, water, sewer.

**Commissioner Oh** mostly infrastructure, but no housing development.

**Michael Borja** what is your anticipated cost for this infrastructure development?

**Ike Santos** I believe it was somewhere around two-million because everything is there already.

**Ernie Baldeviso** around three-million, yes.

**Chairman Arroyo** okay, so that changes things a little bit for us. The law requires the empanelment of a hybrid commission on projects of three million and greater. So, if you are

looking at ... and I know the infrastructure is part of the requirement for the tentative subdivision, and if that amount is three million then we're probably going to have to table this and come back with a hybrid commission to finish the hearing of this application.

We are going to take a ten minute recess.

[Commission recessed at 2:45 p.m. and reconvened at 2:55 p.m.]

**Chairman Arroyo** let's go ahead and reconvene. We were talking about the cost of the development and possibility of having to convene a hybrid commission. Do you have any comments Mr. Vice Chair?

**Vice Chairman Cruz** I just wanted to know on this three million. When we had our first hybrid meeting the developer actually came in using something was that previously approved. Because there was no existing master plan at that time we basically told them to back and give us a master plan and that is why the hybrid came into effect. On this one, I wanted to ask the developer if they were going to do this in phases or are they basically going to come in and do the road, put in water, power, sewer, sidewalk, roads and then have the plan to either build it themselves or sell it; I don't know. Where do we come up with that cost?

**Michael Borja** their intent is to build the infrastructure; what is that cost going to be, and that will determine whether it exceeds the threshold.

**Commissioner Oh** can we hear it directly from the contractor or if the owner's representative, but if we could hear it directly from the contractor it would really clear up this issue. Because I know the figure that was thrown out was approximately three ---

**Ernie Baldeviso** it was actually a wrong figure. The cost at this time, the total cost of the infrastructure and grading of the land, the roads, asphalt road, curb and gutter, ponding basin and the lift station it will cost probably 1.7 million dollars.

**Chairman Arroyo** that is sewer, water, power, everything.

**Ike Santos** this is a tentative subdivision, so we are only focusing on the infrastructure not counting the homes. Everything is actually right adjacent to the lot and so it's not like we are going to have to build a whole road to put in everything. Everything is existing right next to it. For the cost of the infrastructure we are looking at 1.72 million.

**Commissioner Oh** who is throwing out that figure.

**Ike Santos** the contractor.

**Galen Tan (from the Contractor)**

**Commissioner Oh** just trying to figure out the actual figure of the scope of work, also the cost of the improvements.

**Galen Tan** cutting, grading, we built the underground utilities, sewer, water, electrical then curb and gutter and paved road, including lift stations.

**Commissioner Oh** the figure that was initially thrown out was approximately 3 and now it's 1.7. What is the logic behind 1.7, just wanting to understand.

**Galen Tan** we estimated about twenty-thousand per unit.

[Brief discussion ensues on calculation of estimated cost.]

**Chairman Arroyo** okay, thank you for clearing that up and we can move forward. Do you have anything else to add? [None noted]

Alright, so we will open the floor up to public comment. Is there anyone who would like to say anything about this application?

**Public Comment** (See none, Chairman Arroyo closed public comment period)

**Chairman Arroyo** anything else you want to add before we make a decision? [None]

**Commissioner Oh** for the record, Commissioner Oh pointed out that 3-million divided by 86-units came out to approximately thirty to forty thousand (per unit) which was abnormally high; and was way below the three-million dollar threshold.

**Chairman Arroyo** any other comments or questions for the applicant.

**Vice Chairman Cruz** when you anticipate to begin this project. [Mr. Santos responded as soon as the NOA is recorded/received.] And from there the next step would be to build houses.

**Ike Santos** from here it will go through clearing permit process.

**Commissioner Oh** the intentions are to build the infrastructure, subdivide the lots and come back for the constructions units?

**Ike Santos** no, for the final subdivision approval.

**Commissioner Oh** what is the intention of the owner? Are they trying to sell the lots individually?

**Ernie Baldeviso** no, it is house and lot.

**Chairman Arroyo** they are going to build the subdivision and sell the houses to individuals; similar to Latte Estates.

Okay, I am ready to entertain a motion on this application.

**Commissioner Oh** Chairman Arroyo, I move to approve the Applicant, KOA Inc. represented by Ike Santos and their request for a Tentative Subdivision approval for the construction of 86-single family residential lots, on Tract 10441 (formerly Lot 7134), in an "R1" (Single Family Dwelling), in the Municipality of Yigo, under Application No. 2008-70C; with the following conditions:

- a. The Applicant adhere to conditions and requirements as stipulated on official position statements provided by the Application Review Committee, as such conditions and requirements apply to permitting requirements;
- b. The Applicant may request for an extension from the one-year tentative subdivision development approval as provided by law within reason and supporting information. The initial one-year approval shall commence on the date of issuance as noted on the project's Notice of Action;
- c. Any consideration of significant change to the tentative subdivision plan shall first be submitted to the Guam Chief Planner for assessment and consideration to be forwarded to the Guam Land Use Commission; and,
- d. Any changes greater than purported in the submitted tentative subdivision plan as approved by the Guam Land Use Commission to include, not limited to, a request to increase density and/or any similar changes of development preference and not as a result of compliance with government regulations or requirements shall require consideration by the Guam Land Use Commission.

**Chairman Arroyo** I would just like to clarify, a minor issue. You mentioned that the purpose of the application was for the construction of 86-single family residences. That is for the subdivision of the lot; we are talking about the subdivision not construction. [Commissioner Oh responds "correct."]

We have a motion, do I have a second.

**Vice Chairman Cruz** second.

**Chairman Arroyo** any discussion on the motion? [None] All in favor of the motion please say "aye" [Chairman Arroyo, Vice Chair Cruz, Commissioner Oh, Commissioner Vy], all opposed say "nay." **Motion passes.**

**[Motion to approve Application 2008-70C passed unanimously]**

**Michael Borja** just know that the threshold is three-million dollars. Any developments that are over three-million dollars will require a hybrid commission, and all that means is that there will four additional members to vote on the application.

**[Discussion ensues on the empanelment of a hybrid commission]**

**Chairman Arroyo** let's move on. The next item on the agenda –

**Tentative Subdivision**

- D. The Applicant, Guam Five Star Corporation represented by Ignacio F. Santos; request for a Tentative Subdivision approval for the subdivision of 116-single family residential lots on Tract 10442 (formerly Lot 7135-3-5NEW-R1), in a "PUD" (Planned Unit Development) zone, in the Municipality of Dededo and Yigo, under Application No. 2016-54. Case Planner: Frank Taitano

**Frank Taitano** reads the staff report to include purpose, facts, staff analysis/discussion, conditions and recommendation. [For full content/context, please see attached report]

**[Attachment D – Staff Report dated April 7, 2017]**

**Chairman Arroyo** thank you. Any questions? [None noted] We'll open the floor ... Ike, if you can state your name again for the record.

**Ike Santos** (representing the applicant Guam Five Star) and to my left is –

**Ernie Baldeviso** Project Engineer for the project.

**Ike Santos** this again was another project that was approved in the past by the same developer, and now the developer is coming back again to get it going. Unfortunately, the timeframe had passed, and I have a little concern on the timeframe of one year because Department of Parks and Rec requires that they have an archeological work on the property. The property has been cleared before, but they still want an archeological survey done and will probably set us back.

**Chairman Arroyo** Ike, we can extend that.

**Ike Santos** originally this was basically one big recreational area, but Parks and Rec asked us to split it; one on the north and one on the south. We also have bus station located on the recreational area.

**Chairman Arroyo** I will have to ask the question on infrastructure again; less than three-million?

**Ernie Baldeviso** 2.3 million dollars.

**Chairman Arroyo** questions?

**Vice Chairman Cruz** where is the sewer?

**Ernie Baldeviso** moving down ... it is on the southern portion of the property.

**Vice Chairman Cruz** on the original property map your neighbor on the right has some lots and everything. From there, can you explain to me where the sewer is coming from.

**Ike Santos** if you look at the map, it is on the bottom corner. They have lots there that connect to the cul-de-sac, 40-foot.

**Vice Chairman Cruz** who owns that area?

**Ike Santos** they own the property.

**Ernie Baldeviso** that will be the access all the way to a 1,200 force main, there will be a lift station for this project also. This is very close to Simon Sanchez (High School) all the way to Marine Drive. There is an existing manhole, and was coordinated with GWA already.

**Frank Taitano** the sewer line for this proposed subdivision is the same sewer line that the other subdivision (KOA) is going to be connecting to.

**Ernie Baldeviso** no, it is different. The other one will be through (undecipherable) subdivision; the first one, close to Simon Sanchez.

**Vice Chairman Cruz** the lot to the right of this are they on sewer or no?

**Ernie Baldeviso** they are on sewer. I believe five lots where we have the southern entrance, they are on sewer.

**Vice Chairman Cruz** but the lots further are not.

**Ernie Baldeviso** no, it is not.

**Vice Chairman Cruz** the road in the back where the other lots are located, what is the condition of that road? There are no houses there, none whatsoever?

**Ike Santos** it is undeveloped; none.

**Vice Chairman Cruz** your main entrance for this property is Chalan Kaskao (sp?).

**Ike Santos** to the north-west.

**Vice Chairman Cruz** do you have any within all this development ..... 116 lots; do you have areas in here that you can basically designate for school bus shelters?

**Ike Santos** in the park area.

[Discussion ensues on location of the bus shelters]

**Vice Chairman Cruz** this playground at the end of the project, who will own the playground.

**Ike Santos** the subdivision.

**Michael Borja** homeowners association ---

**Vice Chairman Cruz** this is gated?

**Ike Santos** I am not sure. Gated would be some form of security.

**Michael Borja** what is the estimated value of the homes that you are going build in here?

**Ernie Baldeviso** there will be three and four bedroom units ... \$300K.

**Commissioner Oh** is this community going to be gated?

**Ike Santos** I think it would in terms of security.

**Vice Chairman Cruz** the entire area will be fenced around?

**Ernie Baldeviso** yes, perimeter fencing.

**Commissioner Oh** what I am saying is will they have a main entrance, a gate.

**Ike Santos** I think there would be security, but I don't think they will put a gate because it is a public access.

**Vice Chairman Cruz** so, you have two entrances?

**Ernie Baldeviso** yes.

**Commissioner Oh** have you guys engaged DPR concerning any archeological items.

**Ike Santos** at the hearing when it was first approved what they did was they cleared and graded the property, and we informed DPR and they said they still want another archeological survey done.

[Discussion ensues on the need for an archeological survey. Chairman Arroyo inquired if this was a requirement of Parks and Rec, to which Mr. Santos responded that it was a requirement of DPR. Mr. Santos added that the property had been cleared when the project was first approved.]

**Commissioner Oh** the project was cleared in the past. There was no infrastructure put in. The scope of work is very similar to the previous project; roads, utility infrastructure, ponding basin. I didn't see any sewer lift station. Okay ---

**Chairman Arroyo** any other questions? [None] Okay, so I will open the floor for public comments. Anybody would like to say anything please come forward.

**Public Comments** [Seeing none, Chairman Arroyo closed the public comment period.]

**Chairman Arroyo** any other comments or questions.

**Commissioner Oh** have you guys engaged GWA concerning this project?

**Ike Santos** yes, they directed us to where to run the sewer.

**Commissioner Oh** supply?

**Ernie Baldeviso** yes, we coordinated this with GWA and there is sufficient water supply.

**Chairman Arroyo** okay, if there are no more questions or comments, I am ready to entertain a motion.

**Commissioner Oh** Chairman Arroyo, I move to approve the applicant Guam Five Star Corporation represented by Ike Santos for their request for a tentative subdivision approval for the subdivision of 116-single family residential lots, on Tract 10442 (formerly Lot 7135-3-5NEW-R1), in a "PUD" (Planned Unit Development) zone, in the municipalities of Dededo and Yigo, under Application 2016-54; with the following conditions:

1. The applicant adheres to conditions and requirements as stipulated on official position statements provided by the Application Review Committee, as such conditions and requirements apply to permitting requirements;
2. Applicant may request for an extension from the one-year tentative subdivision development approval as provided by law within reason and supporting information. The initial one-year approval shall commence on the date of the issuance as noted on the project's Notice of Action;

3. Any consideration of significant change to the approved subdivision plan shall first be submitted to the Guam Chief Planner for assessment and consideration to be forwarded to the Guam Land Use Commission;
4. Any changes greater than purported in the submitted tentative subdivision plan as reviewed and approved by the Guam Land Use Commission to include, but limited to, a request to increase density and/or any similar changes of development preference and not as a result of compliance with government regulations or requirements shall require consideration by the Guam Land Use Commission, and,
5. That the applicant submits an updated Master Plan to the Chief Planner for his review and approval.
6. On the final subdivision approval, Developer will work with Public Works, School Bus Division to ensure adequate bus shelters are provided for the subdivision; construction of the bus shelters will be at the cost of the Developer.

Chairman Arroyo we have a motion by Commissioner Oh, do I have a second?

Commissioner Vy second.

Chairman Arroyo seconded by Commissioner Vy. Discussion ---

Vice Chairman Cruz Mr. Chairman, I would like to amend the motion to add a condition; Condition 6, that the applicant (on the final subdivision approval) to work with the Department of Public Works School Bus division to ensure that there are adequate number of bus shelters for the subdivision.

Chairman Arroyo the amendment is that on the final subdivision to work with Public Works, School Bus Division to ensure that there is adequate number of school bus shelters for the residents and to be constructed at the cost of the developer. That is the amendment; any discussion on the amendment.

On the amendment, do I have a second? [Commissioner Oh – seconds the motion]. On the amendment, all in favor say “aye” [Chairman Arroyo, Vice Chair Cruz, Commissioner Oh, and Commissioner Vy], all opposed say “nay.” **The amendment is passed.**

On the original motion, any discussion on the original motion. [None] All in favor of the original motion say “aye” [Chairman Arroyo, Vice Chair Cruz, Commissioner Oh and Commissioner Vy], all opposed say “nay.” **Motion passes.**

**[Motion to approve Application 2016-54 passed unanimously.]**

Commissioner Oh just quickly. I just wanted to make a note that this approval is only for the improvements to infrastructure; it does not include housing.

Chairman Arroyo moving onto the last item on the agenda –

## **V. Administrative and Miscellaneous Matters**

### **Status Report**

- E. The Applicant, Grandview Development, LLC; continuance of an Order to Show Cause for failure to comply with the conditions of approval of an amended Tentative Development Plan for the Tumon Bay Shopping Mall as noted on the GLUC Notice of Action dated March 29, 2013, and its six-month status report, under Application No. 2008-003B. (Continuation – GLUC Meeting April 14, 2016)

Case Planner: Frank Taitano

**Frank Taitano** reads Commission Brief for the Commission. [For full content/context, please see attached report.]

**[Attachment E – Commission Brief dated April 7, 2017]**

**Chairman Arroyo** any questions/comments.

**Marvin Aguilar** these photos are “hours” old. [Displayed on the monitor, photos included entrance to the development, loading/unloading dock, roadwork at the intersection, front of the building, landscaping.]

**Chairman Arroyo** any other comments/questions? [None] Please state your name for the record.

**[Richard Sana, FC Benavente, Planners, Phillip Schrage and Fred Yamon – Grandview Development]**

**Chairman Arroyo** anything you want to add?

**Richard Sana** Frank basically described our status report.

**Chairman Arroyo** you are almost done with the exterior. Any plans on the interior? I know you were waiting for an anchor tenant.

**Fred Yamon** we hired the services of Laguana Architects to do some design work. We are putting up skylights, and we are (undecipherable) most of the major equipment in preparation for the tenant to come in. We are also paving the back of the building and right now it's only graded. Landscaping also at the back; we are going to be taking out the windows.

**Vice Chairman Cruz** you going to replace those windows?

**Phillip Schrage** replace them with concrete; we will close the whole thing except where the skylights are at that will bring natural light into the mall.

**Chairman Arroyo** do you have tenants already? Or are you still searching.

**Phillip Schrage** no; we have not advertised for in-line tenants yet, but we are still pursuing an anchor tenant.

**Chairman Arroyo** are you looking at some fuzzy day down in the future, possibly an opening.

**Phillip Schrage** a date? No, we don't have a date yet.

**Vice Chairman Cruz** when do you think you'll be finished with the exterior.

**Fred Yamon** we are looking at the design to be completed by end of June this year. After that we will bid it out.

**Vice Chairman Cruz** what is the remaining part that you are going to do. Is it inside or outside?

**Fred Yamon** inside and outside.

**Phillip Schrage** we have emergency generators, we have electrical work, we have escalators, air conditioning and all that kind of interior work. Not the actual of layout spaces themselves; that will come when we determine how much space is allocated for the anchor and how much is delegated for common area and in-line tenants.

**Vice Chairman Cruz** I want to commend you guys, it is looking very nice.

**Phillip Schrage** thank you. The objective was to do the outside first, at least as much of the outside as you can so when people walk by or drive by they might think it is open. It is much easier for anchor tenant to envision their store in something that is almost done versus some kind of architectural drawing.

**Commissioner Oh** can you elaborate on maybe additional phases that you guys have in the future because I am hearing like Phase II. Phase II as you mentioned is the skylight, plus exterior work.

**Phillip Schrage** pretty much everything inside with the exception delineating where the common area and dividing up the specific tenants. We know where the food court is, we know that we have 500 seats in the food court, sixteen tenants in the food court. We haven't divided those up, but we are designing it now.

**Commissioner Oh** will there be a Phase III.

**Fred Yamon** yes, definitely (Mr. Schrage concurred).

**Commissioner Oh** Phase III will consist of?

**Phillip Schrage** delineating where the individual stores are, how much space the anchor store takes up, where the common areas area; that is Phase III.

**Chairman Arroyo** okay, thank you for being here and we will see you again in another six-months.

We have to accept this report. Can I get a motion on the acceptance of the status report.

**Commissioner Oh** Chairman Arroyo, I move to accept the applicant Grandview Development LLC's six-month report on approval of an amended Tentative Development Plan for the Grandview Shopping mall as noted on the GLUC Notice of Action dated March 29, 2013, under Application 2008-003B.

**Chairman Arroyo** motion on the floor by Commissioner Oh, do I have a second.

**Vice Chairman Cruz** I second.

**Chairman Arroyo** seconded by the Vice Chair; any discussion? [None noted] All in favor of the motion please say "aye" [Chairman Arroyo, Vice Chair Cruz, Commissioners Oh and Commissioner Vy], all opposed say "nay." Motion passes.

**[Motion to accept the applicant's six-month status report passed unanimously]**

**Phillip Schrage** the name will be most likely will be Tumon Bay Mall.

**Chairman Arroyo** okay. Thank you for being here. Moving on –

Did you want to talk about the bill.

**Michael Borja** Bill 75-34 which was recently introduced, and in this bill it talks about the adding on a period of time in which a previously approved applications are good for; Notice of Actions for developments, and it says three (3) years with an option for another two (2) years that can be granted by the Commission. It is just putting a sunset provision in the approval so they don't extend out to decades and decades later.

There is another bill that is also out and that has to do with cell phone towers – Marvin ---

**Marvin Aguilar** it is Bill 54-34; basically wanting to identify and define cellular towers and how they apply to different zones. It will be going from a structure requiring a variance to a structure requiring a conditional use permit in certain zones.

**Michael Borja** a couple of Fridays ago there was public hearing for a bill to rezone a property next to St. Paul's School to "S-1." The problem was that they wanted to dedicate a piece of

property and zone it as "S-1" in the middle of commercial and light industrial zoned areas. The biggest problem was that the land was not landlocked it did not have a defined access.

[Mr. Borja added that the bill lacked sufficient information in order to move forward. The property was to be used for I-Learn School. Discussion ensues.]

**Chairman Arroyo** is there an update on the Wanfang application that is before Judge Barcinas?

**Michael Borja** there was a hearing a week or so ago; the discussion was whether or not the Save Southern Guam filed their claims in time that they met the time period required. And Wanfang lawyer said that they failed to do so because if you look at the law this is the prescription you have to follow. Save Southern Guam disagreed and said Land Management told us this to which Wanfang responded, everything Land Management has said to date, you have disagreed and said it was false. But, you want to accept this one. So, the Judge asked them to provide some additional information.

[Discussion ensues --]

**Chairman Arroyo** we have another six month status report due from them coming up soon.

**Marvin Aguilar** we are in communication right now with Barbara Burkhardt.

[Lengthy discussion on threshold amount for hybrid commission to be empaneled. Vice Chair Cruz suggested that the threshold be increased to five-million rather than three-million.]

**Chairman Arroyo** anything else? [None noted]

## VI. **Adjournment**

**Commissioner Vy** motion to adjourn today's meeting.

**Commissioner Oh** second.

**Chairman Arroyo** all in favor of the motion to adjourn say "aye." [Chairman Arroyo, Vice Chairman Cruz, Commissioner Vy, Commissioner Oh].

[Motion passed]

The regular meeting of the Guam Land Use Commission for Thursday, April 13, 2017 was adjourned at 4:07 p.m.

Approved by:

Transcribed by:

  
\_\_\_\_\_  
John Z. Arroyo, Chairman  
Guam Land Use Commission

  
\_\_\_\_\_  
M. Cristina Gutierrez, Recording Secretary  
Planning Division, DLM

Date Approved: May 11, 2017



# GUAM LAND USE COMMISSION

Chairman John Z. Arroyo  
Vice Chairman Victor F. Cruz  
Commissioner Conchita D. Bathan

Commissioner Tae S. Oh  
Commissioner Hardy T.I. Vy

Michael J.B. Borja, Executive Secretary  
Nicolas E. Toft, Legal Counsel (OAG)

## AGENDA

### Regular Meeting

**Thursday, April 13, 2017 at 1:30 p.m.**

Department of Land Management Conference Room  
590 S. Marine Corps Drive, 3<sup>rd</sup> Floor, ITC Building, Tamuning  
*[As advertised in the Guam Daily Post on April 6, 2017 and April 11, 2017]*

I. Notation of Attendance                      ☐ Quorum                      ☐ No Quorum

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, March 9, 2017

III. Old or Unfinished Business

IV. New Business

**Zone Change**

- A. The Applicant, Carmen Mesa represented by FC Benavente, Planners; request for a zone change from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial) zone to allow uniformity of zoning consistent with the existing and adjacent "M-1" neighborhood, on Lot 5224-3-1-1, in the Municipality of Barrigada, under Application No. 2016-39.  
Case Planner: Penmer Gulac
- B. The Applicant, Ian Corporation represented by FC Benavente, Planners; request for a zone change from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial) zone to allow for warehousing, offices and accessory uses, on Lot 5224-3-1-R1, in the Municipality of Barrigada, under Application No. 2016-40.  
Case Planner: Penmer Gulac

**Tentative Subdivision**

- C. The Applicant, KOA Inc. represented by Ignacio F. Santos; request for a Tentative Subdivision approval for the construction of 86 single family residential lots on Tract 10441 (formerly Lot 7134), in an "R-1" (Single Family Dwelling) zone, in the Municipality of Yigo, under Application No. 2008-70C.  
Case Planner: Frank Taitano
- D. The Applicant, Guam Five Star Corporation represented by Ignacio F. Santos; request for a Tentative Subdivision approval for the construction of 116 single family residential lots on Tract 10442, (formerly Lot 7135-3-5NEW-R1) in a "PUD" (Planned Unit Development) zone, in the Municipalities of Dededo and Yigo, under Application No. 2016-54.  
Case Planner: Frank Taitano

**V. Administrative & Miscellaneous Matters**

**Status Report**

- E. The Applicant, Grandview Development, LLC; continuance of an Order to Show Cause for failure to comply with the conditions of approval of an amended TDP for the Grandview Shopping Mall as noted on the GLUC Notice of Action dated March 29, 2013 and its six-month status report, under Application No. 2008-003B. [Continuation of GLUC Hearing – 4/14/2016]  
Case Planner: Frank Taitano

**VI. Adjournment**

ATTACHMENT A  
**DIPATTAMENTON MINANEHAN TÂNO'**  
(Department of Land Management)  
**GUBETNAMENTON GUÅHAN**  
(Government of Guam)



EDDIE BAZA CALVO  
Governor

MICHAEL J.B. BORJA  
Director

RAY TENORIO  
Lieutenant Governor

DAVID V. CAMACHO  
Deputy Director

April 7, 2017

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Staff Report - Application No. 2016-39, Zone Change on Lot 5224-3-1-1, (Bello Area), in the Municipality of Barrigada

1. **PURPOSE:**

- A. **Application Summary:** The Applicant, Carmen Mesa, represented by F.C. Benavente Planners, is requesting approval of a Zone Change from "A" (Agricultural) to "M-1" (Light- Industrial) Zone, in order to allow construction of a warehouse with office and accessory uses and to be in uniformity of zoning in the neighborhood, consistent with existing and adjacent "M-1" zones on Lot 5224-3-1-1, Municipality of Barrigada.
- B. **Legal Authority:** Title 21, Guam Code Annotated, Chapter 61, Article 6, Part 3 (Changes of Zones), Sections 61630 thru 61638 (Zoning Law).

2. **FACTS:**

- A. **Location:** The subject site is fronting Benigno Benavente Street and approximately 350-east of Bello Street and approximately 15,00-feet east of Route 25 (GIAA, Alageta Access), and is in Barrigada (See Attachment).
- B. **Lot Area:** 1,793 square meters or 19,298 square feet or .44 Acres.
- C. **Present Zoning:** "R-1" (Single-Family) Dwelling Zone.
- D. **Field Description:** There is an existing single-family residence on site, some vacant lots, duplexes, as well as large and small warehouses to the north and eastern sectors within 750 and 1,000 feet radius of the subject lot. There are materials storage and contractors' yards within 1,000 feet located on M1 zoned lots. Many lots in the area were rezoned to M1 in recent years and others by Public Law in the last 15-20 years. Other land use activities within 500 - 3,300 feet radius to the east are M-1 zoned lots with warehouses and light and heavy equipment repair shops, sporadic residential homes, some small subsistence farming. There are also some

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Telephone:  
671-649-LAND (5263)

Facsimile:  
671-649-5383

apartments, a gas station and the A.B. Won Pat International Airport (M2 zone) near Route No. 16. All utility infrastructure is within 100 feet of the subject development.

**E. Masterplan:** Residential – Low Density

**F. Community Design Plan:** Conservation; no updated master plan to Date.

**G. Previous Commission Action:** None

**3. APPLICATION CHRONOLOGICAL FACTS:**

**A. Date Heard By ARC:** September 15, 2016

**B. Public Hearing Results of :** January 17, 2017 (See Attachment)

- 4. STAFF ANALYSIS:** A Zone change must addressed Public Necessity, Public Convenience and General Welfare criteria. Our analysis is as follows:

**PUBLIC NECESSITY and CONVENIENCE**

The requested zone change to "Light Industrial" is a more prudent zone designation for the area. The fact that the area is in the APZ-1 Zone (Accident Potential Zone-1) requires a shift from residential to commercial or industrial uses notwithstanding the fact that residential uses are permitted in the current zone. The surrounding and nearby parcels have also been zoned to "Light Industrial" and industrial activities are in operation has not been a detriment to other current residential or competing commercial or industrial uses.

The "Health, Safety and General Welfare" issues in a community's comprehensive Plan divides these categories and mandates the various governmental entities to develop plans to address such factors. For example, the government basically has several "powers" so to speak; the power of taxation, the policing powers, the power of eminent domain and the regulatory power.

In doing so, it defers the specific issues to the specific government entity mandated to oversee the technical review of a proposed plan such as for GEPA/GWA for sewer requirements (a health issue), DPW on access (a safety issue) and so forth, thus ensuring that the overall General Welfare of the community is not compromised.

The Commission is interested and has responsibilities to regulate zoning; and watches out for the "health, safety and welfare" of the community, but from zoning perspective. In the case at hand, the requested light industrial rezoning, is in our opinion, a much suitable zone and location for commercial or industrial uses for the primary reason that the area is overshadowed by the AICUZ zone and in which an APZ-1 factor exist based on the AICUZ study. If rezoned to Light Industrial, such zoning designation would appear to have the least impact on the "Health, Safety and General Welfare that would be more pronounced should a residential community exist.

The properties nearby are zoned Light industrial as can be noted in the 1,000' - Foot Radius map. There is construction that are ongoing or completed projects on those properties recently zone changed to M1; while older "M" zone properties have been operating industrially. The area is developing and growing more in the light-industrial use as opposed to residential.

The proposed rezoning for warehousing with an office, proposed accessory uses permitted in light industrial zone uses on the subject lot that would be consistent with current land uses and activities in the immediate area within a range from 200' to 3,000' near the airport access/over pass, and along Route No. 16 and to the northeast in the Belo and Alegeta (Route 25 - Airport Access) area and along lower Barrigada Heights area. The location is central and near Tamuning, Dededo and Yigo areas with large population. It is also in close proximity to the airport, airport industrial park, Harmon Industrial park and other commercial districts.

### **GENERAL WELFARE**

Legitimate Agricultural activities in this area is either non-existent or negligible.

While it is true that remaining parcels are still zoned "Agricultural", the prevalent use is heavy towards a more intense industrial and commercial uses; however, we do point out that residential uses exist, and scattered throughout the area as well.

An agricultural assessment was received from Department of Agriculture with recommendations and finds that there are no major impacts to existing activities in the area. Historically this area has been disturbed and developed for over 40 years. The zoning designation of the lot is "R-1" (Single-Family Dwelling), therefore, the agricultural assessment will be beneficial for proposed development in the immediate area. Based on existing land use of the site, it appears that there are no significant impacts on existing agriculture activities and or existing lands uses in the immediate area and or near the site.

Thus, the proposed zone change and land use development is the highest and best use for this site is not a good site for agricultural or residential uses or activities. It is affected by an APZ factor of 1. The propose activity is more conducive for it is centrally located and near existing commercial and other light industrial properties.

Any development on the site will accommodate wastewater and storm water drainage to protect the residents and the groundwater (aquifer) in the area. The zone change will not reduce any zoning standards in the immediate vicinity, but rather, the improvements to the subject lot will create a more stable environment, that will provide for an orderly development scheme within the area and adjacent surroundings. The Applicants are aware and will comply to all requirements and conditions and any concerns imposed by government agencies and other mandates in their development plans.

In supporting an industrial or commercial use, we find that the added note to the protection of the general welfare of the public is that the subject lot is near the airport; and that based on recent studies on noise impact in this specific area, residential development is not favorable or suitable within and or near this area which is within an area designated as Accident Potential Zone I. As such, it is the position of DLM planning Staff that the area is best suited for industrial type uses followed by commercial activities/uses.

5. **RECOMMENDATION:** Recommend Approval, and the applicant shall adhere to all ARC and Commission conditions, and requirements.



Marvin Q. Aguilar  
Guam Chief Planner



**DIPATTAMENTON MINANEHAN TANO'**  
(Department of Land Management)  
**GUBETNAMENTON GUAHAN**  
(Government of Guam)



Street Address:  
590 S. Marine Corps Drive  
Suite 733 ITC Building  
Tamuning, GU 96913

Mailing Address:  
P.O. Box 2950  
Hagåtña, GU 96932

EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

MICHAEL J.B. BORJA  
Director

DAVID V. CAMACHO  
Deputy Director

April 4, 2017

**MEMORANDUM**

**TO:** Guam Land Use Commission (GLUC) Members

**FROM:** Chairman, Application Review Committee (ARC)

**SUBJECT:** Summary of Position Statements by ARC

**Re: Zone Change - Application No. 2016-39,  
GLUC Hearing - April 13, 2017**

Listed below is the compilation of Positions received from various ARC Member Agencies as submitted to Planning Division. The conditions as imposed by the ARC Member Agencies are listed when applicable.

**1. DEPARTMENT OF LAND MANAGEMENT (DLM):**

**Recommends APPROVAL**

**2. BUREAU OF STATISTICS AND PLANS (BoPS)**

The Bureau has comments with recommendations with no objection  
(See Attached)

**3. DEPARTMENT OF PARK AND RECREATION/HISTORICAL  
PRESERVATION OFFICE (DPR/HPO):**

DPR/HPO have determined that the proposed project has low probability that cultural resource will be present in the area. They have no objections to approving the subject application. (See Attached)

**4. GUAM WATERWORKS AUTHORITY (GWA):**

No Objections, with permitting requirements noted. (See Attached)

**5. DEPARTMENT OF PUBLIC WORKS (DPW):**

No Objections, with permitting requirements noted. (See Attached)

**6. ENVIROMENTAL PROTECTION AGENCY (GEPA):**

No Position Statement Received as of Staff Report Date.

Website:  
[land.guam.gov](http://land.guam.gov)

E-mail Address:  
[ldmdir@land.guam.gov](mailto:ldmdir@land.guam.gov)

Telephone:  
671-649-LAND (5263)

Facsimile:  
671-649-5383

Continuation of Memo

SUBJECT: Summary of Position Statements by ARC

Re: **Zone Change - Application No. 2016-39,**  
**GLUC Hearing – April 13, 2017**

Page 2 of 2

7. **GUAM POWER AUTHORITY (GPA):**

No Objections with recommendations and requirements noted (See Attached)

8. **DEPARTMENT OF AGRICULTURE (DoAG):**

No Objections with Recommendations noted, (Attached)

**EX OFFICIO**

1. **GUAM FIRE DEPARTMENT (GFD):**

No Position Statement Received as of Staff Report Date

2. **GUAM ECONOMIC DEVELOPMENT AGENCY (GEDCA):**  
**NO OBJECTIONS.**

3. **DEPARTMENT OF EDUCATION (DOE):**

Has not submitted a Position Statement as of Staff Report date.

4. **DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPHSS):**

Has not submitted a Position Statement as of Staff Report date.



**Marvin Q. Aguilar**  
**Guam Chief Planner**

Case Planner: Penner Gulac

ATTACHMENTS: Position Statements as noted



# GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN  
P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

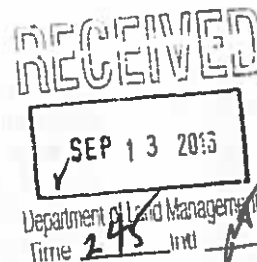
September 7, 2016

## MEMORANDUM

To: Chairman, Guam Land Use Commission  
Executive Secretary, Guam Land Use Commission

From: General Manager (A)

Subject: Lot 5224-3-1-1, Municipality of Barrigada, (Carmen Mesa); Zone Change Application from "R-1" (Single-Family Dwelling) to "M-1" (Light-Industrial) to construct a warehouse. Application No. 2016-39



Guam Power Authority has reviewed the application described above and submits the following position statement:

### A. Comments and Recommendations Concerning GPA requirements:

1. GPA has no objection, however customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
  - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
  - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
  - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
  - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
  - Provide scheduling and magnitude of project power demand requirements for new loads.
  - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
  - GPA reserves its easement rights established at the Department of Land Management under document number 538059.
2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

### B. General Comments

GPA has no objection to the request subject to the conditions cited above.

  
MELINDA R. CAMACHO, P.E.

ASG/arp





## INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**

Applicant: **Carmen Mesa**

Location: **Lot 5224-3-1-1, Barrigada**

Type of Application: **Zone Change**

GLUC/GSPC Application No. **2016-39**

Brief Project Description:

"R-1" to "M-1" to construct a warehouse.

For the purposes of this Certification, **GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE** include, but are not limited to: **power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.**

1. I hereby certify that the required **GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE** are currently **AVAILABLE AND IN PLACE** to support this project:

Yes ☒

No ☐

2. If the answer to #1 above is YES, then:

I hereby certify that the required **GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE** are currently **ADEQUATE** to support this project:

Yes ☐

No ☒

3. If the required **GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE** currently in place are **NOT AVAILABLE** or they are **AVAILABLE, BUT NOT ADEQUATE**, itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:

Services, Facilities and Infrastructure Needed	Cost of Upgrades	Funds Available	Date Available	Funds Identified
Please see comments below				

I hereby certify that the foregoing is true and correct to the best of my knowledge.

  
MELINDA R. CAMACHO, P.E.  
General Manager (A)

9/9/16  
Date

### Comments:

Based on a preliminary inspection of the site, the electrical facilities may require upgrading to meet the demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.

ASG/arp



**Eddie B. Calvo**  
Governor

**Ray Tenorio**  
Lt. Governor

**Department of Parks and Recreation  
Government of Guam**

490 Chalan Palasyo, Agana Heights, Guam 96910  
Director's Office: (671) 475-6296/7; Fax (671) 477-0997  
Parks Division: (671) 475-6288/9  
Guam Historic Resources Division: (671) 475-6294/5  
Facsimile: (671) 477-2822



**Robert S. Lizama**  
Director

**William N. Reyes**  
Deputy Director

In reply refer to:  
RC2016-0986

November 21, 2016

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: DPR Position Statement on DLM Application No. 2016-39:  
Zone Change from "R-1" to "M-1" for Lot 5224-3-1-1 in Barrigada, Guam

We reviewed subject application submitted by FC Benavente, Planners, and Consultant, on behalf of Carmen Q. Mesa, applicant and owner of the 1,793-square meter subject lot. The applicant is seeking GLUC approval of subject application to be allowed to construct a warehouse with office in conformity with the zoning of the surrounding area, within the vicinity of Bello Street.

There is a low to no expectation that historic properties may be encountered during any construction activity in subject lot, as the lot is already highly disturbed by existing dwelling structures. Taking this into account, we have no objection to the re-zoning of subject lot for the specific purpose stated in the applications.

However, all developments on the property must go through the DPW permitting process for proper reviews by the different agencies, including the Department of Parks and Recreation, and may be subject to inspection by our office, before and during construction activities.

If you have any questions with regards to our position, please contact our office.

Sincerely,

Robert S. Lizama,  
Director

Cc: FC Benavente, Planners  
[richardjsana@yahoo.com](mailto:richardjsana@yahoo.com)

Rec'd  
11/29/16  
Rizama  
Planner DW



The Honorable  
**EDDIE BAZA CALVO**  
Governor

The Honorable  
**RAY TENORIO**  
Lt. Governor



**GLENN LEON GUERRERO**

Director

**FELIX C. BENAVENTE**

Deputy Director

October 21, 2016

**MEMORANDUM**

**TO:** Director, Department of Land Management

**FROM:** Director

**APPLICANT:** Carmen Mesa

**SUBJECT:** Position Statement No. 2016-39  
Zone Change from "R-1" to "M-1" on Lot 5224-3-1-1, Barrigada

Buenas yan Hafa Adai!

The applicant, Carmen Mesa proposes to zone change from "R-1" to "M-1" on the above subject lot with an estimated area of 1,793 square meters or 19,298 square feet and is located along the Barrigada area. The project site has a fifty feet wide access easement. Both streets and shoulders are well maintained.

The Department of Public works, (DPW) has completed its review of the subject application and has no objection to the requests provided the existing activities has no environmental effect and because of its potential use should not have any negative impact by its industrial use to the neighboring areas.

Should you have any questions, please contact Mr. John F. Calanayan, Engineer in Charge or Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646 -3189/3224.

Dangkulu na Si Yu'os Ma'ase !

  
**GLENN LEON GUERRERO**

*He*

*P. Gular n/10116  
Land Planning Div*

Eddie Baza Calvo  
Governor of Guam

Ray Tenorio  
Lieutenant Governor

**BUREAU OF  
STATISTICS & PLANS**  
SAGAN PLANU SIHA YAN EMFOTMASION

Government of Guam  
P.O. Box 2950 Hagåtña, Guam 96932  
Tel: (671) 472-4201/3  
Fax: (671) 477-1812



William M. Castro  
Director  
Manuel Q. Cruz  
Deputy Director

NOV 10 2016

RECEIVED

NOV 14 2016

Department of Land Management  
Time 3:30 PM

**MEMORANDUM**

**To:** Chairman, Guam Land Use Planning

**Via:** Executive Secretary, Department of Land Management

**From:** Director, Bureau of Statistics and Plans

**Subject:** **APPLICATION NO. 2016-39; LOCATION:** Lot 5224-3-1-1, Barrigada  
**APPLICANT:** Carmen Mesa; **PROPOSED USE:** Zone Change from "R-1"  
Single Family Dwelling to "M-1" Light Industrial

*Håfa Adai!* The applicant, Carmen Mesa, represented by Richard J. Sana, is requesting for a zone change for Lot 5224-3-1-1 located in Barrigada from Single Family Dwelling (R-1) to Light Industrial (M-1). The applicant requests approval for a zone change in order to bring the current "R-1" zone into uniformity with the surrounding "M-1" zones. The adjacent lots around Lot 5224-3-1-1 are already zoned light industrial and the area itself is a designated light industrial zone by the Guam North and Central Land Use Plan. To justify public necessity, convenience, and general welfare, the applicant cited that there is a necessity due to the surrounding "M-1" zones and impending military buildup, however provided no plans to utilize the property in a manner that calls for a zone change to light industrial.

The Bureau has completed its review of the subject application and provides the following concerns and recommendations should this application be approved.

**Land Use.** The North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified "Industrial" designation in the Future Land Use Map of the NCGLUP, which states:

*"Industrial lands are those lands designated for a variety of industrial uses and agricultural, commercial and non-residential uses compatible with industrial uses. Typical uses include manufacturing and processing, wholesaling, large storage and transportation facilities, light industrial and industrial-commercial uses. The Industrial area also includes the Guam International Airport, which serves as the international*

*transportation hub for both passenger and freight service. A separate Airport Plan ensures compatibility with aviation facilities, for the protection of runway safety and clear zones, and the protection of public safety. Mineral extraction is also permitted in the industrial designation. Prior to development, mineral resource uses must demonstrate the quality, type, available quantity, development and environmental constraints, and other quantitative assessment considerations. Residential development is limited to uses such as caretaker facilities and accessory dwelling units."*

It should be noted, the application states that the rezoning is to "allow construction of a warehouse with office to be in uniformity of zoning in the neighborhood, consistent with the existing and adjacent "M-1" zones." However, in an ARC meeting held September 15, 2016, the applicant's representative Richard Sana clarified that the main purpose of the request "is to keep the uniformity of the zone" for the reason that surrounding lots are zoned light industrial.

The Bureau finds that although the subject property is consistent with the North and Central Guam Land Use Plan, the application lacked clarity in justifying the intent to change Lot 5224-3-1-1 from "R-1" single family residential to "M-1" light industrial zone. Furthermore, the applicant failed to provide a detailed As-Built Plan of the lot to include layouts of utilities and drainage; proposed lot coverage of building(s); feasibility study; and topography as required in GLUC Form 02.

**Aquifer Protection from Industrial Waste.** The applicant's Barrigada property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use.

The Bureau is concerned that industrial activities will have adverse effects to Guam's sole source aquifer. The applicant is advised to consult with the Guam Environmental Protection Agency (EPA) to:

1. Implement practices for managing industrial waste to avoid potential contamination and ensure long term protection of the aquifer pursuant to the "Resource Conservation and Recovery Act of 1976". Practices may include the following, but are not limited to:
  - a. Keeping a spill kit close to where spills are likely and ensure all staff know how to use it;
  - b. Mopping the workshop floor rather than hosing;

- c. Surrounding storage areas with containment berms to control leaks or spills and;
  - d. Employee training to manage waste and materials properly.
2. Comply with an Aquifer Protection Review pursuant to the "Federal Safe Drinking Water Act," § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53.
3. Ensure the NGLA is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-97, and the Guam Water Resource Development & Operating Regulations.

**Stormwater Management.** The Bureau recommends the applicant to consult with Guam EPA in preparing and submitting a stormwater pollution prevention plan (SWPPP) and employing best management practices to control runoff and hazardous waste on site.

Managing stormwater is a key element in the protection of Guam's vital water resource. Surface runoff carries pollutants into Guam waters causing siltation and increasing sediment loads, which impairs receiving waters. The alteration of vegetated areas into buildings, driveways, parking lots, roads and other surfaces prevent water from filtering into the ground and greatly increases the runoff volume created during storms. Studies show that impervious surfaces directly correlate to increased runoff volumes as well as waterway velocities, erosion, and flooding.

Industrial sites are classified as stormwater hotspots which is defined in the CNMI Guam Stormwater Management Manual as "a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxins than are found in typical stormwater runoff, based on monitoring studies." As industrial activities produce high concentrations of pollutants, the Bureau is concerned that industrial activities generated on the property may severely impair water quality of Guam's sole source aquifer. If best management practices are not in place before, during, and after construction to control runoff from the site, this activity can adversely affect Guam's drinking water source and surrounding neighbors. The stormwater manual further states that:

- "...stormwater runoff from hotspots cannot be allowed to infiltrate into groundwater without prior water quality treatment."
- "...a greater level of stormwater treatment is needed at hotspot sites to prevent pollutant wash off after construction. This will involve preparing and implementing a SWPPP that involves a series of operational practices at the site that reduce the generation of pollutants from a site or prevent contact of rainfall with the pollutants."

**Erosion Control.** Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. Therefore, before any clearing and grading on the property, the applicant is required to consult Guam EPA.

The Bureau further recommends that the applicant prevent adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

1. Installing perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the construction site.
2. Where feasible, schedule construction during dry season.
3. Stabilize construction entrances to reduce the tracking of sediment/mud from the construction site onto paved roads and parking lots.

Additional methods are listed in the CNMI Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide; and can be obtained from the Bureau's website [www.bsp3.guam.gov](http://www.bsp3.guam.gov) under Guam Coastal Management Program.

**Low Impact Development (LID) Practices.** The project site also lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if practices are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Considering the growing concerns of flooding due to increased impervious surface, the applicant should be required to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at [www.bsp3.guam.gov](http://www.bsp3.guam.gov) under the Guam Coastal Management Program.

**Historical and Archaeological Resources.** The Bureau recommends coordination with Department of Parks and Recreation, State Historic Preservation Office to ensure the preservation, protection, excavation, and evaluation of specimens and sites pursuant to *"Historical Objects and Sites", 21 GCA, Chapter 76.*

In conclusion, the Bureau finds that the applicant failed to justify public necessity, convenience, and general welfare for the zone change. The applicant additionally failed to provide required documentation. The Bureau further finds that industrial activities can detrimentally affect Guam's sole source aquifer and surrounding neighbors if best management measures are not in place to control stormwater runoff and prevent contaminants from entering the aquifer. Therefore the Bureau recommends objection to the rezone Lot 5224-3-1-1 from R-1 to M-1 in the municipality of Barrigada. Subsequently, if this application is approved, the property owner must be required to comply with established laws and the recommendations stipulated above. X

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

  
WILLIAM M. CASTRO

cc: GEPA  
DPR  
DOAG  
DPW  
GWA  
GPA



Eddie Baza Calvo  
Governor

Ray Tenorio  
Lt. Governor

# Department of Agriculture Dipattamenton Agrikottura

Director's Office  
Agricultural Development Services  
Plant Nursery  
Aquatic & Wildlife Resources  
Forestry & Soil Resources  
Plant Inspection Station  
Animal Health

300-7970 / 7969 / 7966  
300-7973 / 7972 / 7967  
300-7974  
735-3955/56; Fax 734-6570  
300-7975/6  
475-1426/27; Fax 477-9487  
300-7965 Fax 734-6569



Matthew L.G. Sablan  
Director

Jessie B. Palican  
Deputy Director

October 24, 2016  
Memorandum

To: Director, Department of Land Management

Attn: Executive Secretary, Guam Land Use Commission and Guam Seashore Protection Commission

From: Director of Agriculture

Subject: "Environmental Impact Position Statement" for a "Zone Change request in an "R1" zone on Lot 5224-3-1-1 located off of Chalan Benigno Benevente and Chalan Bello in the Municipality of Barrigada (Carmen Mesa c/o FC Benavente Planners)

Agriculture has reviewed the subject lot and request for a "Zone Change" and finds that there are no major impacts to existing activity in this area. With regard to any environmental issues the Department of Agriculture highly recommends that the developer incorporate a dedicated "Green Zone" as part of the development should any plans to develop it further come to fruition. Please be aware that although development is good for the islands economy left unchecked the destruction and loss of environmentally important ecosystems will have lasting damage to the island. The entire northern part of Guam sits atop the islands primary source of drinking water contained in the "Northern Aquifer". In order to help protect and maintain its viability and importance to the island the once vast system of trees must be incorporated into modern developments throughout Guam. The trees root system helps to protect from erosion and filters out runoff sediments from above to protect what lies below. This dedicated "Green Zone" within the property will help do its part to further insure that the island continues to provide its people safe and clean water. In addition to providing erosion and sediment control the trees will also have the added benefit of providing windbreak capabilities buffeting structures, equipment and property from destructive storms as well as providing improved aesthetic appeal to the overall development of the site.

Please contact our Agricultural Development Services & Forestry divisions here at the agency for further assistance and guidance at 300-7972 & 7976 respectively. Our Forestry division grows and maintains native tree species should you choose to incorporate them into the project. Contact their office for assistance and consultation at 300-7976. For the planting of fruit trees and other sound environmental practices designed and showcased at our Organic Demonstration Farm in Mangilao to help protect the environment please contact the ADS office at 300-7973 to arrange for a guided tour and demonstration of these practices in use.

Please be aware that the increased loss of Guam's native habitat contributes to a diminished capacity to sustain and support a healthy island community it is vital that all land developers take a proactive step in preventing and causing this loss. For questions or concerns regarding Agriculture's position please contact Pete Terlaje, John Borja, Rick Lizama at our office at 300-7973. Thank you in this regard.



**MATTHEW L.G. SABLAN**

**Director**

## GUAM WATERWORKS AUTHORITY

Gloria B. Nelson Public Service Building  
688 Route 15, Mangilao, Guam 96913

### MEMORANDUM

September 29, 2016

TO: Director, Department of Land Management

FROM: Thomas F. Cruz, P.E., Acting General Manager

SUBJECT: Position Statement on Zone Change Application No. 2016-39 for Lot 5224-3-1-1, in the Municipality of Barrigada.

APPLICANT(S): Carmen Mesa

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "R1" (Single-Family Dwelling) to "M1" (Light Industrial) zone to allow uniformity of zoning consistent with the existing and adjacent "M1" neighborhood.

This memorandum shall serve as GWA's position statement to the above zone change request related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and field observations, the following comments explain GWA's position to support approval of this zone change application:

1. The application states that the existing facility on subject lot is currently connected to public sewer however, GWA records indicate that the applicant is not connected. The applicant shall set up an appointment with the GWA Engineering Department for a site inspection to confirm the sewer facilities. If the structure on the subject lot is not connected to public sewer and existing sewer facilities are confirmed under Guam Environmental Protection Agency and GWA to be available, the applicant will be required to connect. Prior to connection the applicant may be subject to sewer pre-treatment requirements. The applicant is subject to all GWA rules and regulations including all fees regarding public sewer services prior to this zone change approval.
2. GWA records indicate that the customer's account for the subject lot is currently a residential account. Non-residential activities on the subject lot will require an account classification change. The customer must update the GWA account prior to start of any non-residential activities.

RECEIVED

SEP 30 4 2016

Department of Land Management  
Time 1:30

OK

3. Future development must be covered under a Department of Public Works (DPW) construction permit. Plans and specifications must be submitted for GWA review and approval prior to construction. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include water demand calculations and wastewater production calculations for the proposed development. Drawings shall delineate the water and wastewater service point of connection and provide specific connection details. If sewage disposal is to be accomplished by an Individual Sewage Disposal System, the plan must be in compliance with Guam Environmental Protection Agency (GEPA) and GWA requirements.
4. GWA requires coordination with the GWA Engineering Department in advance of the permitting process to determine if available water and sewer system capacity can accommodate future development. Any offsite utility improvements necessary to support the proposed development shall be at the expense of the applicant. GWA's approval of the construction permit application will be contingent upon the applicant's agreement to construct the necessary offsite utility improvements. GWA's approval of the occupancy permit application will be contingent upon the completion of the offsite improvements.
5. Finalized property maps identifying public rights of way or easements must be submitted to GWA.
6. Public water and sewer infrastructure facilities installed by the developer must meet GWA standards including construction on public rights of way or easements and inspection by GWA.
7. The applicant's construction plans shall include the proposed meter size(s) and identify water meters in the public right of way or easement.
8. New development is subject to water and/or sewer system development charges (SDC).
9. Backflow prevention devices are required for non-residential activities.
10. Grease traps or interceptors are required for food service establishments.

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact GWA Engineering Division regarding water and sewer system improvement design and construction standards and procedures. For additional information please contact Mauryn McDonald, P.E., Permits and New Area Development Supervisor, at 300-6054.



ATTACHMENT B

**DIPATTAMENTON MINANEHAN TANO'**  
(Department of Land Management)  
**GUBETNAMENTON GUAHAN**  
(Government of Guam)



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

MICHAEL J.B. BORJA  
Director

DAVID V. CAMACHO  
Deputy Director

April 7, 2017

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Staff Report - Application No. 2016-40, Zone Change  
Lot 5224-3-1-R1, Municipality of Barrigada

1. **PURPOSE:**

A. **Application Summary:** The Applicant, Ian Construction, Inc., represented by F.C. Benavente Planners, is requesting approval of a Zone Change from "R-1" (Single-Family Dwelling) to "M-1" (Light Industrial) Zone, in order to allow construction of a warehouse with office and an open storage facility for accessory uses on Lot 5224-3-1-R1, Municipality of Barrigada.

B. **Legal Authority:** Title 21, Guam Code Annotated, Chapter 61 Title 21, Article 6, Park 3 (Changes of Zones), Sections 61630 thru 61638 (Zoning Law).

2. **FACTS:**

A. **Location:** The subject site is fronting Benigno Benavente Street and approximately 300-feet east of the Bello Street and approximately 1,500 feet east of Route No. 25 (GIAA-Alageta access) and is in Barrigada (See ATTACHMENT).

B. **Lot Area:** 1,793 square meters or 19,297 square feet or .44 Acres

C. **Present Zoning:** "R-1" (Single-Family) Dwelling Zone.

D. **Field Description:** The lot is vacant and is currently being utilized as a parking area. The immediate area includes one single-family residence, certain vacant lots, duplexes, as well as large and small warehouses to the north and eastern sectors within 750 and 1,000 feet radius of the subject lot. There are material storages and contractors' yards within 1,000 feet located on M1 zoned lots. Many lots in the area were re-zoned to M1 in recent years and others by Public Law in the last 15-20 years. Other land use activities within 500 - 2,300 feet radius to the east are M1 zoned lots with warehouses and light and heavy equipment repair shops, sporadic residential homes, some small subsistence farming exists.

Street Address:

590 S. Marine Corps Drive  
Suite 733 ITC Building  
Tamuning, GU 96913

Mailing Address:

P.O. Box 2950  
Hagåtña, GU 96932

Website:

<http://dlm.guam.gov>

E-mail Address:

[dlmdir@land.guam.gov](mailto:dlmdir@land.guam.gov)

Telephone:

671-649-LAND (5263)

Facsimile:

671-649-5383

E. Masterplan: Residential – Low Density

F. Community Design Plan: Conservation – No Updated Land Use  
Masterplan to this date.

G. Previous Commission Action: None

3. **APPLICATION CHRONOLOGICAL FACTS:**

A. Date Heard By ARC: September 15, 2016

B. Public Hearing Results of: January 17, 2017  
(SEE ATTACHMENT)

4. **STAFF ANALYSIS:**

A Zone change must be addressed **Public Necessity, Public Convenience and General Welfare** criteria. Our analysis is as follows:

**PUBLIC NECESSITY and CONVENIENCE**

The requested zone change to "Light Industrial" is a more prudent zone designation for the area. The fact that the area is in the APZ-1 Zone (Accident Potential Zone-1) requires a shift from residential to commercial or industrial uses notwithstanding the fact that residential uses are permitted in the current zone. The surrounding and nearby parcels have also been zoned to "Light Industrial". Industrial activities currently in operation on site has not been a detriment to other current residential or competing commercial or industrial uses.

The "Health, Safety and General Welfare" issues, in a community's comprehensive Plan divides these categories and mandates the various governmental entities to develop plans to address such factors. For example, the government basically has several "powers" so to speak; the power of taxation, the policing powers, the power of eminent domain and the regulatory power.

In doing so, it defers the specific issues to the specific government entity mandated to oversee the technical review of a proposed plan such as for GEPA/GWA for sewer requirements (a health issue), DPW on access (a safety issue) and so forth, thus ensuring that the overall **General Welfare** of the community is not compromised.

The Commission is responsible to regulate zoning under the basic edicts of insuring the "health, safety and welfare" of the community, but from zoning perspective. In the case at hand, the requested light industrial rezoning, is in our opinion, a much suitable zone and location for commercial or industrial uses for the primary reason

that the area is overshadowed by the AICUZ zone and in which an APZ-1 factor exist based on the AICUZ study. If rezoned to Light Industrial, such zoning designation would appear to have the least impact on the surrounding community's health, safety and general welfare that would be more pronounced should residential development be applied under the property's current zoning designation.

Properties nearby are zoned Light industrial as can be noted within 1,000 feet of the subject lot. There is construction that are ongoing or completed projects on lots recently zone changed to M1; while older "M-1" zone properties have been operating accordingly. The area is developing and growing more in the light-industrial use as opposed to agricultural-residential uses as suggested in earlier comprehensive planning efforts.

The proposed rezoning for warehousing with an office, proposed accessory uses permitted in light industrial zone uses on the subject lot that would be consistent with current land uses and activities in the immediate area within a range from 200' to 3,000' near the airport access/over pass, and along Route No. 16 and to the northeast in the Belo and Alegeta access ways (Route 25- Airport Access) area and along lower Barrigada Heights area. The location is central and near Tamuning, Dededo and Yigo municipalities with large population. It is also in close proximity to the Airport, Airport Industrial Park, Harmon Industrial Park and other commercial districts.

### **GENERAL WELFARE**

Legitimate agricultural activities in this area is either non-existent or negligible. While it is true that remaining parcels are still zoned "Agricultural", the prevalent use is heavy towards a more intense industrial and commercial uses; however, we do point out that there exists, residential uses scattered throughout the area as well. This is supported by an agricultural assessment received from Department of Agriculture with recommendations, finding that there are no major impacts to agricultural activities in the area. Historically this area has been disturbed and developed for over 40 years.

Thus, the proposed zone change and land use development is the highest and best use for this site is not a good site for agricultural or residential uses or activities. It is affected by an APZ factor of 1. The propose activity is more conducive due to its central location in areas supporting commercial/industrial areas.

Any development on the site will accommodate wastewater and storm water drainage to protect the residents and the groundwater (aquifer) in the area. The zone change will not reduce any zoning standards in the immediate vicinity, but rather, the improvements to the subject lot will create a more stable environment that will provide for an orderly development scheme within the area and its surroundings.

As such, it is the position of DLM planning Staff the area is best suited for industrial type uses followed by commercial activities/uses.

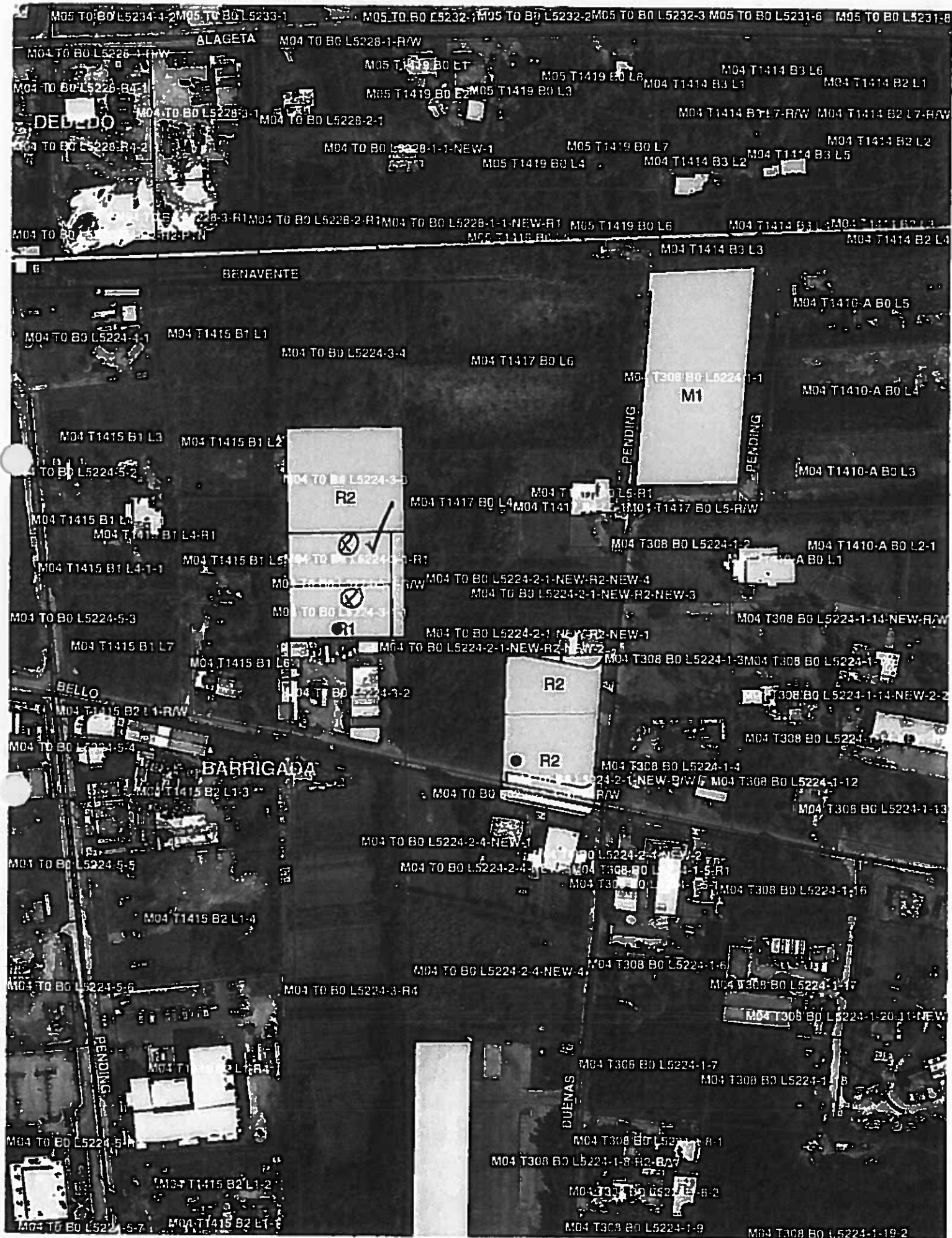
5. **RECOMMENDATION:** Recommend approval, and that the applicant shall adhere to all ARC recommendations/conditions as noted on their official position statements.



Marvin Q. Aguilar  
Guam Chief Planner

**ATTACHMENTS**

Case Planner: Penmer C. Gulac





**DIPATTAMENTON MINANEHAN TANO'**  
(Department of Land Management)  
**GUBETNAMENTON GUAHAN**  
(Government of Guam)



Street Address:  
590 S. Marine Corps Drive  
Suite 733 ITC Building  
Tamuning, GU 96913

EDDIE BAZA CALVO  
Governor

MICHAEL J.B. BORJA  
Director

RAY TENORIO  
Lieutenant Governor

DAVID V. CAMACHO  
Deputy Director

Mailing Address:  
P.O. Box 2950  
Hagåtña, GU 96932

April 4, 2017

**MEMORANDUM**

**TO:** Guam Land Use Commission (GLUC) Members  
**FROM:** Chairman, Application Review Committee (ARC)  
**SUBJECT:** Summary of Position Statements by ARC

**Re: Zone Change - Application No. 2016-40,  
GLUC Hearing - April 13, 2017**

Listed below is the compilation of Positions received from various ARC Member Agencies as submitted to Planning Division. The conditions as imposed by the ARC Member Agencies are listed when applicable.

**1. DEPARTMENT OF LAND MANAGEMENT (DLM):**

**Recommends APPROVAL**

**2. BUREAU OF STATISTICS AND PLANS (BoPS)**

The Bureau has comments with recommendations with no objection  
(See Attached)

**3. DEPARTMENT OF PARK AND RECREATION/HISTORICAL  
PRESERVATION OFFICE (DPR/HPO):**

DPR/HPO have determined that the proposed project has low probability that cultural resource will be present in the area. They have no objections to approving the subject application. (See Attached)

**4. GUAM WATERWORKS AUTHORITY (GWA):**

No Objections, with permitting requirements noted. (See Attached)

**5. DEPARTMENT OF PUBLIC WORKS (DPW):**

No Objections, with permitting requirements noted. (See Attached)

**6. ENVIROMENTAL PROTECTION AGENCY (GEPA):**

No Position Statement Received as of Staff Report Date.

Website:  
<http://land.guam.gov>

E-mail Address:  
[lmidir@land.guam.gov](mailto:lmidir@land.guam.gov)

Telephone:  
671-649-LAND (5263)

Facsimile:  
671-649-5383

Continuation of Memo

SUBJECT: Summary of Position Statements by ARC

Re: **Zone Change - Application No. 2016-40,**  
**GLUC Hearing – April 13, 2017**

Page 2 of 2

7. **GUAM POWER AUTHORITY (GPA):**

No Objections with recommendations and requirements noted (See Attached)

8. **DEPARTMENT OF AGRICULTURE (DoAG):**

No Objections with Recommendations noted, (Attached)

**EX OFFICIO**

1. **GUAM FIRE DEPARTMENT (GFD):**

No Position Statement Received as of Staff Report Date

2. **GUAM ECONOMIC DEVELOPMENT AGENCY (GEDCA):**  
**NO OBJECTIONS.**

3. **DEPARTMENT OF EDUCATION (DOE):**

Has not submitted a Position Statement as of Staff Report date.

4. **DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPHSS):**

Has not submitted a Position Statement as of Staff Report date.

  
**Marvin Q. Aguilar**  
**Guam Chief Planner**

Case Planner: Penner Gulac

ATTACHMENTS: Position Statements as noted



# GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN  
P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

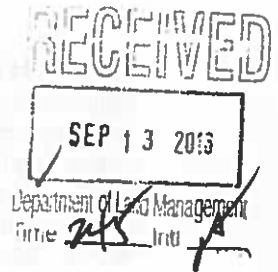
September 7, 2016

## MEMORANDUM

To: Chairman, Guam Land Use Commission  
Executive Secretary, Guam Land Use Commission

From: General Manager (A)

Subject: Lot 5224-3-1-R1, Municipality of Barrigada, (Ian Corporation); Zone Change Application from "R-1" (Single-Family Dwelling) to "M-1" (Light-Industrial) to construct a warehouse. Application No. 2016-40



Guam Power Authority has reviewed the application described above and submits the following position statement:

### A. Comments and Recommendations Concerning GPA requirements:

- GPA has no objection, however customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
  - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
  - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
  - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
  - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
  - Provide scheduling and magnitude of project power demand requirements for new loads.
  - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
  - GPA reserves its easement rights established at the Department of Land Management under document number 538059.
- Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
- A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
- All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

### B. General Comments

GPA has no objection to the request subject to the conditions cited above.

  
MELINDA R. CAMACHO, P.E.

ASG/arp

sh

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## INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**

Applicant: **Ian Corporation**

Location: **Lot 5224-3-1-R1, Barrigada**

Type of Application: **Zone Change**

GLUC/GSPC Application No. **2016-40**

Brief Project Description:

"R-1" to "M-1" to construct a warehouse.

For the purposes of this Certification, **GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE** include, but are not limited to: **power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.**

1. I hereby certify that the required **GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE** are currently **AVAILABLE AND IN PLACE** to support this project:

Yes ☒

No ☐

2. If the answer to #1 above is YES, then:

I hereby certify that the required **GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE** are currently **ADEQUATE** to support this project:

Yes ☐

No ☒

3. If the required **GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE** currently in place are **NOT AVAILABLE** or they are **AVAILABLE, BUT NOT ADEQUATE**, itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:

Services, Facilities and Infrastructure Needed	Cost of Upgrades	Funds Available	Date Available	Funds Identified
Please see comments below				

I hereby certify that the foregoing is true and correct to the best of my knowledge.

  
MELINDA R. CAMACHO, P.E.  
General Manager (A)

9/9/16  
Date

### Comments:

Based on a preliminary inspection of the site, the electrical facilities may require upgrading to meet the demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.

ASG/arp

Eddie Baza Calvo  
Governor of Guam

**BUREAU OF  
STATISTICS & PLANS**  
SAGAN PLANU SIHA YAN EMFOTMASION

Ray Tenorio  
Lieutenant Governor

Government of Guam  
P.O. Box 2950 Hagåtña, Guam 96932  
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William M. Castro  
Director  
Manuel Q. Cruz  
Deputy Director

NOV 10 2016

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NOV 14 2016

Department of Land Management  
Time 3:25 PM

**MEMORANDUM**

**To:** Chairman, Guam Land Use Commission

**Via:** Executive Secretary, Department of Land Management

**From:** Director, Bureau of Statistics and Plans

**Subject:** **Application No. 2016-40; Location:** Lot 5224-3-1-R1, Barrigada;  
**Applicant:** Ian Corporation, Inc. **Proposed Use:** Zone Change from "R-1"  
(Single Family Dwelling) to "M-1" (Light Industrial) for Warehouse, Office,  
and Accessory Uses;

*Håfa Adai!* The applicant, Ian Corporation Inc. (ICI), represented by Richard J. Sana, is requesting for a zone change for Lot 5224-3-1-R1 located in Barrigada from Single Family Dwelling (R-1) to Light Industrial (M-1). The property can be accessed on Benigno Benavente Street and Bello Road just off of Route 16. The applicant requests approval for a zone change in order to construct a warehouse, an office, and allow for accessory uses on Lot 3224-3-1-R1. Properties surrounding Lot 3224-3-1-R1 are already zoned light industrial and the area itself is a designated light industrial zone by the Guam North and Central Land Use Plan.

To justify public necessity, convenience, and general welfare, the applicant cited that the proposed project will help provide a "particular lifesaving product; the lightweight Shoring and Shielding Systems". The rezoning of this "R-1" property to "M-1" is also supported by the fact that the property lies within the take-off and landing flight path, within an Air Installation Compatible Use Zone. The Environmental Impact Assessment (EIA) further specifies that the project will produce dust as trucks move in and out of the property in addition to increased traffic from customers and from flatbed trucks entering and exiting the property, however the applicant assures us that the dust and fumes will be mitigated in accordance with applicable regulations.

The Bureau of Statistics and Plans (Bureau) has completed its review of the subject application and provides the following comments. Should the Guam Land Use Commission (GLUC) decide to approve the zone change request, the applicant is advised to address the following issues and adhere to the conditions prior to approval.

11/14/16

**Aquifer Protection from Industrial Waste.** The applicant's Barrigada property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use.

The Bureau is concerned that industrial activities will have adverse effects to Guam's sole source aquifer. The applicant is advised to consult with the Guam Environmental Protection Agency (EPA) to:

1. Implement practices for managing industrial waste to avoid potential contamination and ensure long term protection of the aquifer pursuant to the "Resource Conservation and Recovery Act of 1976". Practices may include the following, but are not limited to:
  - a. Keeping a spill kit close to where spills are likely and ensure all staff know how to use it;
  - b. Mopping the workshop floor rather than hosing;
  - c. Surrounding storage areas with containment berms to control leaks or spills and;
  - d. Employee training to manage waste and materials properly.
2. Comply with an Aquifer Protection Review pursuant to the "Federal Safe Drinking Water Act," § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53.
3. Ensure the NGLA is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-97, and the Guam Water Resource Development & Operating Regulations.

**Stormwater Management.** The application is lacking a stormwater management plan with detailed features. A site plan identifies a water infiltration basin for another property (Lot 5224-3-3) other than Lot 5224-3-1-R1. Therefore, the applicant must address stormwater on site and provide a site plan relevant Lot 5224-3-1-R1.

As industrial activities produce high concentrations of pollutants, the Bureau is concerned that activities generated by Ian Corporation's operations may impair the water quality of Guam's sole-source aquifer if stormwater runoff is not treated. Hazardous substances and

liquid waste entering the groundwater may be caused by spills of liquids such as oil, coolant, paints, solvents and other chemicals.

According to the CNMI Guam Stormwater Management Manual, Ch. 2 Stormwater Treatment Practice Criteria and Standards:

- *"...stormwater runoff from hotspots cannot be allowed to infiltrate into groundwater without prior water quality treatment."*
- *"...a greater level of stormwater treatment is needed at hotspot sites to prevent pollutant wash off after construction. This will involve preparing and implementing a stormwater pollution prevention plan (SWPPP) that involves a series of operational practices at the site that reduce the generation of pollutants from a site or prevent contact of rainfall with the pollutants."*

The Bureau advises the applicant to consult with Guam EPA in submitting a SWPPP and to install appropriate stormwater methods that will address runoff and hazardous waste on site.

**Erosion Control.** Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. Therefore, before any clearing and grading on the property, the applicant is required to consult Guam EPA.

The Bureau further recommends that the applicant prevent adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

1. Installing perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the construction site.
2. Where feasible, schedule construction during dry season.
3. Stabilize construction entrances to reduce the tracking of sediment/mud from the construction site onto paved roads and parking lots.

Additional methods are listed in the CNMI Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide. These guides may be obtained from the Bureau's website [www.bsp3.guam.gov](http://www.bsp3.guam.gov) under Guam Coastal Management Program.

**Low Impact Development (LID) Practices.** The project site also lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if practices are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Considering the growing concerns of flooding due to increased impervious surface, the Bureau recommends the applicant to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at [www.bsp3.guam.gov](http://www.bsp3.guam.gov) under Guam Coastal Management Program.

**Native Flora Protection.** In the proposed zone change application to an M-1 zone, it is stated that greater than 10% of total land area will be landscaped using local flora. This proposed landscaping is not included in the site plan provided by the applicant. The Bureau recommends the following:

1. The applicant is advised to include a landscape design modeling how Ian Corporation plans to implement "greater than 10% of total land area landscaped of local flora".
2. The applicant is advised to consult with the Department of Agriculture's (DOAG) Division of Forestry and Soil Resources on using native plants to avoid and/or minimize the spread of invasive species.
3. Consult with DOAG on the use of organic fertilizers or pesticides for landscaping purposes to avoid additional contaminants from entering any natural water source.
4. Consult with Guam EPA regarding their Pesticide Control Program.

**Other Environmental Impacts.** Other potential environmental concerns include air pollution including odors from the releases of chemicals within the facility. The applicant is advised to consult with Guam EPA to address these impacts.

**Emergency Access.** The applicant is advised to consult with the Guam Fire Department (GFD) to ensure that the access to the subject development is sufficient and acceptable for emergency vehicles in the event of fire or an emergency.

In conclusion, the Bureau finds that activities of the proposed construction of a warehouse, parking lot, and office space may adversely affect Guam's sole source aquifer. Therefore, should this application be approved, the Bureau recommends that Ian Corporation Inc. comply with the above listed conditions. The applicant is further advised to seek guidance from Guam EPA with respect to current unauthorized industrial activities within the property such as clearing and grading of currently vacant lot.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We further encourage and promote the protection of Guam's natural resources for generations to enjoy. *Si Yu'os Ma'ase'.*



WILLIAM M. CASTRO

cc: GEPA  
DPR  
DOAG  
DPW  
GWA  
GPA



The Honorable  
**EDDIE BAZA CALVO**  
Governor

The Honorable  
**RAY TENORIO**  
Lt. Governor



**public works**  
DIPATTAMENTON CHE'CHO' PUPBLEKO

**GLENN LEON GUERRERO**

Director

**FELIX C. BENAVENTE**

Deputy Director

October 21, 2016

**MEMORANDUM**

**TO:** Director, Department of Land Management

**FROM:** Director

**APPLICATION:** 2016- 40 ✓

**APPLICANT:** Ian Corporation

**SUBJECT:** Zone Change from "R-1" to "M-1", Lot 5224-3-1-R1, Barrigada

Buenas yan Hafa Adai!

The applicant, Ian Construction, Inc. is requesting a zone change application from "R-1" to "M-1" located in Route 8, Barrigada. The lot contain an area of 1,793 square meters (19,297) square feet and both streets have two lane street asphalt pavement with graded shoulder. The intent is to construct a warehouse operations with office facilities and to provide an open storage for construction materials including the parking area and make it compatible to the neighboring lots.

The Department of Public Works (DPW) has completed its review of the subject application and has no objection to the requests provided the following conditions are in place:

- provide a layout of the site development plan to incorporate the future construction of the warehouse, storage and office facilities;
- parking area (compact, standard and accessible stalls) must meet the ADA requirements;
- storm drainage water disposal must be shown in details in the final drawings and to be supported with calculations; and
- to include the solid waste composition.

DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with conditions that the building permit application must have a complete set of design drawings to incorporate all the necessary engineering disciplines needed that must be in conformance with the latest building code edition including the ADA requirements.

If you have any questions, please call John F. Calanayan, Acting Engineer in Charge or Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646- 3189/3224 .

Dangkulu na Si Yu'os Ma'ase!

  
**GLENN LEON GUERRERO**



**GUAM WATERWORKS AUTHORITY**

Gloria B. Nelson Public Service Building  
688 Route 15, Mangilao, Guam 96913

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10/4/2016  
Q8

**MEMORANDUM**

September 29, 2016

TO: Director, Department of Land Management

FROM: Thomas F. Cruz, P.E., Acting General Manager

SUBJECT: Position Statement on Zone Change Application No. 2016-40 for Lot 5224-3-1-R1, in the Municipality of Barrigada.

APPLICANT(S): Ian Corporation

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "R1" (Single-Family Dwelling) to "M1" (Light Industrial) zone to allow for warehousing, offices, and accessory uses.

This memorandum shall serve as GWA's position statement to the above zone change request related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and field observations, the following comments explain GWA's position to support approval of this zone change application:

1. Future development must be covered under a Department of Public Works (DPW) construction permit. Plans and specifications must be submitted for GWA review and approval prior to construction. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include water demand calculations and wastewater production calculations for the proposed development. Drawings shall delineate the water and wastewater service point of connection and provide specific connection details. If sewage disposal is to be accomplished by an Individual Sewage Disposal System,

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✓ OCT 04 2016

Department of Land Management  
Time 11:30 AM

10/13/16  
Land Planning  
DIV

the plan must be in compliance with Guam Environmental Protection Agency (GEPA) and GWA requirements.

2. GWA requires coordination with the GWA Engineering Department in advance of the permitting process to determine if available water and sewer system capacity can accommodate future development. Any offsite utility improvements necessary to support the proposed development shall be at the expense of the applicant. GWA's approval of the construction permit application will be contingent upon the applicant's agreement to construct the necessary offsite utility improvements. GWA's approval of the occupancy permit application will be contingent upon the completion of the offsite improvements.
3. Finalized property maps identifying public rights of way or easements must be submitted to GWA.
4. Public water and sewer infrastructure facilities installed by the developer must meet GWA standards including construction on public rights of way or easements and inspection by GWA.
5. The applicant's construction plans shall include the proposed meter size(s) and identify water meters in the public right of way or easement.
6. New development is subject to water and/or sewer system development charges (SDC).
7. Backflow prevention devices are required for non-residential activities.

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact GWA Engineering Division regarding water and sewer system improvement design and construction standards and procedures. For additional information please contact Mauryn McDonald, P.E., Permits and New Area Development Supervisor, at 300-6054.



# Department of Agriculture Dipattamenton Agrikottura

Ref- 2016-40



Eddie Baza Calvo  
Governor

Ray Tenorio  
Lt. Governor

Director's Office  
Agricultural Development Services  
Plant Nursery  
Aquatic & Wildlife Resources  
Forestry & Soil Resources  
Plant Inspection Station  
Animal Health

300-7970 / 7969 / 7966  
300-7973 / 7972 / 7967  
300-7974  
735-3955/56; Fax 734-6570  
300-7975/6  
475-1426/27; Fax 477-9487  
300-7965 Fax 734-6569

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OCT 31 2016

Matthew L.G. Sablan  
Director

Jessie B. Palican  
Deputy Director

Department of Land Management  
Time 9:56 AM

MB 10/31

10-27-16  
JES

October 24, 2016  
Memorandum

To: Director, Department of Land Management

Attn: Executive Secretary, Guam Land Use Commission and Guam Seashore Protection Commission

From: Director of Agriculture

Subject: "Environmental Impact Position Statement" for a "Zone Change request in an "R1" zone on Lot 5224-3-1-R1 located off of Chalan Benigno Benevente and Chalan Bello in the Municipality of Barrigada (Carmen Mesa c/o FC Benavente Planners)

Agriculture has reviewed the subject lot and request for a "Zone Change" and finds that there are no major impacts to existing activity in this area. With regard to any environmental issues the Department of Agriculture highly recommends that the developer incorporate a dedicated "Green Zone" as part of the development should any plans to develop it further come to fruition. Please be aware that although development is good for the islands economy left unchecked the destruction and loss of environmentally important ecosystems will have lasting damage to the island. The entire northern part of Guam sits atop the islands primary source of drinking water contained in the "Northern Aquifer". In order to help protect and maintain its viability and importance to the island the once vast system of trees must be incorporated into modern developments throughout Guam. The trees root system helps to protect from erosion and filters out runoff sediments from above to protect what lies below. This dedicated "Green Zone" within the property will help do its part to further insure that the island continues to provide its people safe and clean water. In addition to providing erosion and sediment control the trees will also have the added benefit of providing windbreak capabilities buffeting structures, equipment and property from destructive storms as well as providing improved aesthetic appeal to the overall development of the site.

Please contact our Agricultural Development Services & Forestry divisions here at the agency for further assistance and guidance at 300-7972 & 7976 respectively. Our Forestry division grows and maintains native tree species should you choose to incorporate them into the project. Contact their office for assistance and consultation at 300-7976. For the planting of fruit trees and other sound environmental practices designed and showcased at our Organic Demonstration Farm in Mangilao to help protect the environment please contact the ADS office at 300-7973 to arrange for a guided tour and demonstration of these practices in use.

MB 10/31

Please be aware that the increased loss of Guam's native habitat contributes to a diminished capacity to sustain and support a healthy island community it is vital that all land developers take a proactive step in preventing and causing this loss. For questions or concerns regarding Agriculture's position please contact Pete Terlaje, John Borja, Rick Lizama at our office at 300-7973. Thank you in this regard.

A handwritten signature in black ink, appearing to read 'Matthew L.G. Sablan', with a stylized, flowing script.

**MATTHEW L.G. SABLAN**

**Director**

ATTACHMENT C



**DIPATTAMENTON MINANEHAN TANO'**  
(Department of Land Management)  
**GUBETNAMENTON GUAHAN**  
(Government of Guam)



Street Address:

590 S. Marine Corps Drive  
Suite 733 ITC Building  
Tamuning, GU 96913

Mailing Address:

P.O. Box 2950  
Hagåtña, GU 96932

Website:

<http://dlm.guam.gov>

E-mail Address:

[dlmdir@land.guam.gov](mailto:dlmdir@land.guam.gov)

Telephone:

671-649-LAND (5263)

Facsimile:

671-649-5383

EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

MICHAEL J.B. BORJA  
Director

DAVID V. CAMACHO  
Deputy Director

April 7, 2017

**MEMORANDUM**

**To:** Chairman, Guam Land Use Commission  
**From:** Guam Chief Planner  
**Subject:** Staff Report - Application No. 2008-70C

**1. PURPOSE:**

- a. **Application Summary:** The applicant, KOA Inc., represented by Mr. Ignacio F. Santos is requesting approval of a Tentative Subdivision to create a subdivision consisting of Eighty Six (86) Single Family residential on Tract 10441 (formerly lot 7134) in the Municipality of Yigo.
- b. **Legal Authority:** Title 21, GCA, Chapter 62, Article 2, Section 62201 thru 62204; Article 4, Section 62401; Article 5, Section 62501 thru 62504, Subdivision Law.

**2. FACTS:**

- a. **Location:** The subject lot is located in Yigo, abutting the existing Pacific Latte Estates on its western boundary, the GHURA 506 on its southern boundary and portion of Bordallo Subdivision on its eastern boundary.
- b. Access to and from the site is through two existing 44-foot wide public access and utility easements within Pacific Latte Estates namely Chalan Islan Guahan that connects to Chalan Islan Marianas and Juan Jacinto Road which connects to Marine corps Drive (Route 1).
- c. **Lot Area:** 70,012± Square Meters or 753,600± Square Feet.
- d. **Present Zoning:** "R-1" (Single Family Dwelling) Zone.
- e. **Field Description:** The proposed site is presently vacant, and is presently overgrown with various types of ground cover vegetation, small bushes and medium to large trees with the Philippine Agao dominant over the jungle canopy.

- f. **Masterplan:** Undesignated
- g. **Community Design Plan:** Urban Residential – Low Density
- h. **Previous Commission Action:**
  - i. On 28, 1973 Then-Territorial Land Use Commission granted approval of a Zone Change from “A” (Agricultural) to “PUD” Planned Unit Development.
  - ii. On October 9, 2008 the Guam Land Use Commission approved a Zone Change from “PUD” Planned Unit Development” to “R-1” (Single Family Dwelling).
  - iii. On November 6, 2008 the Guam Land Use Commission approved a Tentative Subdivision to create 86 single family residential lots.

**3. APPLICATION CHRONOLOGICAL FACTS:**

- a. **Date Application Accepted:** October 26, 2015
- b. **Date Heard By ARC:** November 19, 2015
- c. **Public Hearing Results:** Not Required

**4. STAFF ANALYSIS:**

As requested by the applicant, the intent is to create a subdivision consisting of:

- a. Eighty six (86) single family residential lots ranging in size from 492± square meters to 1034± square meters;
- b. A park area containing 2,299± square meters;
- c. A ponding basin lot containing 1,928± square meters;
- d. a sewage lift station within a lot containing 285± square meters; and
- e. Two (2) forty 44-foot wide public utilities and access rights-of-way.

In its development concept the applicant proposes to construct both 3-bedroom or 4-bedroom single family residential homes on each of the 86 residential lots with necessary improvements to include public access and utility easement complete with paved lanes, sidewalks, curbs and gutters, a storm drainage system, ponding basin, street lights, fire hydrants and underground utilities.

The proposed fully-supported residential plan as submitted follows basic requirements as provided the subdivision law. If approved, requirements of law allows the applicant one year to complete all necessary improvements before issued acceptance of a final subdivision plan. The one-year development phase will include continued coordination with the various government entities to ensure regulatory requirements realize completion of improvements as noted.

With respect to responses by the Application Review Committee, the Bureau of Planning's provides a dissenting opinion stating the project is not in line with the North and Central Guam Land Use Plan and that the proposed development needs to address the appropriate management of storm water runoff during and after the construction of the development.

On various reports on the matter of the North and Central Guam Land Use Plan we noted the plan was not a fully adopted land use plan and that at best may serve as an *element* of an all-encompassing land use master plan. The basis of the applicant's subdivision request is based on current and plausible regulations which sets parameters of government assessment. If agencies are to go beyond such parameters, then due process of assessment is naturally compromised.

Tract 10441 contains a land use density of 151 dwellings however, however the applicant proposes to utilize only 56% of the property's allowable density. Thus, the project *by design* will as well exploit an infrastructure capacity of 56%. By Guam Environmental Protection standards public sewer connection will be mandatory in accordance with Section 61501 (c), Chapter 61 of Title 21 GCA. Likewise, storm water management will be a mandatory permitting requirement during construction and in place as a permanent element of the subdivision as standards of development required by both GEPA and the Department of Public.

To address the health, safety and general welfare issues of the proposed development and the public in general, the applicant will have to coordinate with the various government entities to ensure requirements of development are adhered. Likewise, health, safety and general welfare of the community is logically supported by a single family use proposal within the appropriate zoning designation. And at 56% density the impact on infrastructure to the surrounding communities would be lesser.

5. **RECOMMENDATION:** Based on the above we recommend **APPROVAL** with the following condition:
- a. The applicant, adhere to conditions and requirements as stipulated on official Position Statement provided by the Application Review Committee, as such conditions and requirements apply to permitting requirements;
  - b. The applicant may request for an extension from the one-year tentative subdivision development approval as provided by law within reason and supporting information. The initial one-year approval shall commence on the date of issuance as noted on the the project's Notice of Action;

- c. Any consideration of significant change to the tentative subdivision plan shall first be submitted to the Guam Chief Planner for assessment and consideration to be forwarded to the Guam Land Use Commission; and
- d. Any changes greater than purported in the submitted tentative subdivision plan as reviewed and approved by the Guam Land Use Commission to include, but not limited to, a request to increase density and/or any similar changes of development preference and not as a result of compliance with government regulations or requirements shall require consideration by the Guam Land Use Commission.



Marvin O. Aguilar

Case Planner: F.P.TAITANO  
Attachments: ARC Memo to GLUC Member

File for Record is Instrument No. 734156

On the Year 2009 Month 01 Day 05 Time 12:53

Recording Fee De - 00000 Receipt No. \_\_\_\_\_

Deputy Recorder [Signature]

(Space above for Recordation)

"Pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for application for Zone Change."

**GUAM LAND USE COMMISSION**

Department of Land Management  
Government of Guam  
P.O. Box 2950  
Hagåtña, Guam 96932

**ORIGINAL**

**NOTICE OF ACTION**

November 7, 2008

Date

To: Blair Construction Company, Ltd  
Represented by FC Benavente  
153 Martyr Street, Ste. 101A  
Hagåtña, Guam 96910

Application No. 2008-70B

The Guam Land Use Commission, at its meeting on November 6, 2008

XX / Approved \_\_\_\_\_ / Disapproved  
\_\_\_\_\_ / Approved with Conditions \_\_\_\_\_ / Tabled

Your Request for approval of a Tentative Subdivision to create 86-Single-Family residential lots on Lot 7134, Zoned "R-1" Single-Family Dwelling, Municipality of Yigo

\_\_\_\_\_ / Zone Change\*\*\* \_\_\_\_\_ / Subdivision Variance  
\_\_\_\_\_ / Zone Variance XX / Tentative Subdivision

[ ] Height [ ] Use  
[ ] Density [ ] Other  
[ ] Setback

\_\_\_\_\_ / Conditional Use \_\_\_\_\_ / Final Subdivision  
\_\_\_\_\_ / Wetland Permit \_\_\_\_\_ / Re-Subdivision  
\_\_\_\_\_ / Determination of Policy Definition \_\_\_\_\_ / Subdivision Definition  
\_\_\_\_\_ / Seashore Clearance \_\_\_\_\_ / Miscellaneous

\*\*\*Approval by the Guam Land Use Commission of a Zone change DOES NOT CONSTITUTE FINAL APPROVAL but rather a recommendation to the Governor for his approval. Notification shall be sent to the Applicant upon action taken by the Governor. [Reference 21 GCA (Real Property), Chapter 61(Zoning Law), Section 61634 (Decision by the Commission).]

**NOTICE OF ACTION**  
**Blair Construction Company, Ltd**  
 Represented by FC Benavente  
 Ref: Lot 7134, Municipality of Yigo  
 GLUC Meeting of November 6, 2008  
 Page 2 of 5

Application No. 2008-70B

**APPLICATION DESCRIPTION:** The Applicant, Blair Construction Company, Ltd, represented by FC Benavente, requests approval for a Tentative Subdivision to create 86-Single-Family residential lots on Lot 7134, zoned "R-1" Single-Family Dwelling, Municipality of Yigo.

**GUAM LAND USE COMMISSION ACTION:**

The Guam Land Use Commission APPROVED the application WITH THE FOLLOWING CONDITIONS:

**DEPARTMENT OF LAND MANAGEMENT:**

1. That Developer shall address the maintenance of the "Park" and shall report to the Commission during the Final Subdivision Application Review, exactly who will maintain the "Park" and how the "Park" is to be maintained.
2. That Developer complies with all ARC conditions as noted below

**BUREAU OF STATISTICS AND PLANS:**

1. The zone change for the subject lot receive approval from the GLUC.
2. A public hearing should be conducted to obtain public input and sentiment of the residents potentially impacted by the proposed development.
3. The applicant must be required to work with the Department of Public Works (DPW) and the Yigo Mayor to ensure that appropriate street names and house numbers are assigned for the proposed subdivision prior to Final Subdivision Plan being submitted for approval.
4. The parking layout and dimensions and proposed road network must be acceptable to the Department of Public Works (DPW) to ensure that the applicant is in conformance with the parking and right of way requirements. Furthermore, the applicant must work with DPW to ensure that they have adequate egress/ingress for the safety of the residents and surrounding neighborhood.
5. The applicant must be required to work with the Guam Fire Department (GFD) to ensure that the access to the subject establishment is sufficient and acceptable for emergency vehicles in the event of fire or an emergency.
6. To help reduce storm water runoff and erosion, the applicant must institute best management practices such as minimizing unnecessary clearing and grading, phase construction to limit soil exposure, install perimeter controls to filter sediments and provide temporary and/or permanent soil stabilization during the clearing and grading and the construction stage. Concepts and ideas from the Guam Environmental Protection Agency's Storm Water Management Manual should be the basis for storm water and erosion management issues. Furthermore, a landscaping plan must be strictly adhered to, in order to provide a buffer between the proposed development and the other establishments and properties, as well as for esthetic purposes. The landscaping plan must be submitted, reviewed and approved by the Guam Chief Planner, and installation of plants must be in place prior to the issuance of an Occupancy Permit.
7. The applicant must coordinate with the Guam WaterWorks Authority to ensure the availability and feasibility of sewer connection and water hookup.
8. No future changes to the proposal will be allowed, unless GLUC approval of those specific change(s) is first obtained.

**NOTICE OF ACTION**  
**Blair Construction Company, Ltd**  
**Represented by FC Benavente**  
**Ref: Lot 7134, Municipality of Yigo**  
**GLUC Meeting of November 6, 2008**  
**Page 3 of 5**

**Application No. 2008-708**

**GUAM WATER WORKS AUTHORITY:** No Objections with the following conditions:

The conditional approval does not constitute a notice that water and wastewater service is immediately available to the subject lot nor that the system is capable of providing fire protection for the proposed project without the provision of additional onsite measures. Any extension of the water and wastewater systems and/or capacity upgrades required to serve the property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the project shall be at the expense of the developer. Capacity upgrades of existing systems required to serve the project shall also be at the expense of the developer barring the creation of a formal developer agreement establishing other conditions.

**GENERAL:**

- Plans and specifications must be submitted for review and approval of GWA prior to construction. Submittals shall include water and sewer design calculations and complete drawings and specification (submittals will not be accepted without written specifications). GWA recommends that project consultants coordinate development of utility plans with GWA Engineering Department well in advance of building permit submittal (conceptual and 60% development stages). Failure to do so may delay issuance of the building permit. Final submittal shall include electronic and paper copies of plans (electronic copy required for utilities only).
- Design calculations shall include a water demand calculations, including peak hour and peak day demands; wastewater flow calculations; a fixture count summary for evaluation and determination of most appropriate meter size; fire flow requirements/calculations; and an evaluation of system capacity to provided required flows.
- Drawings shall delineate the water and wastewater service point of connection and provide specific connection details. Drawings indicating that the point of connection and/or details is "to be determined by others" shall not be accepted.
- Water service line details shall indicate the proposed meter size. Normally, a separate fire flow connection will be required for fire service. If a single water meter is intended to satisfy both domestic and fire flow requirements, it will be the responsibility of the design engineer to illustrate that the meter size required to meet fire flow requirements can also register efficiently under average daily demand flows. Approval of the single meter shall then be at the discretion of GWA. Please note that any future system development charges will be based on the meter size installed even if the size is determined based on fire flow requirements.
- Sewer calculations shall be in accordance with the "Recommendation for Wastewater Facilities" often referred to as the "Ten State Standards." Peaking factors shall be determined based upon Figure 1 of those Standards.
- Contractor and/or owner shall provide GWA with a minimum one-year warranty on all utility work prior to GWA acceptance.

**PROJECT SPECIFIC:**

- There are currently no sewers in the area to support the subdivision. The developer will have to provide new sewers to carry the wastewater to the existing 18-inch collection line located on Marine Corps Drive.

**OTHER:**

- Zone Change Note: GWA notes that increases in density can impact the availability of infrastructure for future projects as infrastructure plans are generally based upon existing zoning and cannot anticipate zone changes that might increase density.

The Applicant is hereby on notice that water and wastewater system development charges may be applicable at the time of building permit issuance. This GWA Position Statement shall remain valid for 365 calendar days from the date of this response.

NOTICE OF ACTION  
 Blair Construction Company, Ltd  
 Represented by FC Benavente  
 Ref: Lot 7134, Municipality of Yigo  
 GLUC Meeting of November 6, 2008  
 Page 4 of 5

Application No. 2008-70B

GUAM POWER AUTHORITY:

A. Comments and Recommendations Concerning GPA Requirements.

1. GPA has no objection, however customer is required to comply with the following pursuant to the National Electric Safety Code and GPA's Service Rules and Regulations:
  - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
  - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code.
  - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
  - Developer/Owners will provide necessary electric utility easements to GPA prior to conveying lots within the subdivision. Failure to do so may prevent electrical service to subdivision.
  - Provide scheduling and magnitude of project power demand requirements for new loads.
  - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
2. Primary distribution line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
3. A "fair share" assessment for power generation, transmission and/or substation facilities may be required.

B. General Comments.

GPA has no objection to the request subject to the conditions cited above.

DEPARTMENT OF PARKS AND RECREATION: Approval with the following conditions:

- A) The applicant/developer/contractor shall coordinate and comply with the method of clearing and inspections required by the Guam Historic Preservation Office with regards to the protection of historic properties, if present, within the property.
- B) The developer shall construct the landscaping and recreation facilities as proposed with the concurrence of the Department of Parks and Recreation, DPW, and the Yigo Mayor's Office.
- C) Any impact, issues, or requirement regarding public access and traditional rights-of-ways caused by subject undertaking shall require the applicant and contractor(s) to comply with Chapter 65 (Public Access) and Chapter 62 (Public Rights of Way), 21 GCA, in consultations with DLM, DPW and DPR.
- D) The project site shall be accessible to GHPO inspectors at all times during construction activities.
- E) Any violation of the requirement and conditions aforementioned may constitute as grounds for, suspension of our approval, and the issuance of a "Cease Work Order" against the entire project by the Department of Parks and Recreation.

  
 Carlos R. Untalan  
 Acting Guam Chief Planner

11-07-08  
 Date

  
 Jay L. Lather  
 Chairman  
 Guam Land Use Commission

12-16-08  
 Date

Case Planner: Carlos R. Untalan  
 Cc: ARC Members  
 Building Permits Section, DPW (Attn: Mr. Jesus Ninete)

NOTICE OF ACTION  
Blair Construction Company, Ltd  
Represented by FC Benavente  
Ref: Lot 7134, Municipality of Yigo  
GLUC Meeting of November 6, 2008  
Page 5 of 5

Application No. 2008-70B

## CERTIFICATION OF UNDERSTANDING

I/We \_\_\_\_\_  
(Applicant (Please print name))

Felix C. Benavente  
(Representative (Please print name))

Understand that pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for those application under Zone Change. The Commission may grant two (2) one-year extensions of the above approval period at the time of initial approval.

I/We, further agree and accept the conditions above as a part of the Notice of Action and further agree to any and all conditions made a part of and attached to this Notice of Action as mandated by the approval of the Guam Land Use Commission/Guam Seashore Protection Commission.

\_\_\_\_\_  
Signature of Applicant

Felix C. Benavente  
Signature of Representative

DATE: \_\_\_\_\_

DATE: 12/15/2008

.....  
ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY:

☐ Applicant

☐ Representative

\_\_\_\_\_  
DATE

4. Lot 141 & 139, Yigo (P/Z/daycare Invest/Arizala & Assoc) "A" to "PB"  
 CONDITIONAL APPROVAL Cruz/Carlos

Request for final approval of a zone change from "A" to "PB". Applicant is also asking for density variance (single family, multiple & recreation). This lot is located at Yigo near the new Village and Yigo Jr. High. Area is approximately 40 acres. Staff recommended approval subject to the following conditions: 1.) Total units of 240 (80 single family and multiple limited to 170 units); 2.) Cul-de-sacs to be 44' R/W - all others to be 60' R/W; 3.) Green Path to have paved way and sufficient lighting and landscaping; 4.) Final plan for "High Density" must be approved prior to building permit or Subdivision; and 5.) Other agencies must approve final Tract Map. (Need either new maps or revisions to existing map).

#### ZONE VARIANCES:

4c. Lot 2149-4-9, Tamuning (E.C.Dunyea) Height Var. of 28' -- APPROVED Carlos/Cruz

Applicant requesting a variance to construct a 3-story building within 30' (requesting 28'). This lot is located in Tamuning, 2 lots from Hospital Road off Farenholt Ave.. Existing zoning is R-2. (Vicinity - single and apartment units). Staff recommended approval but Building Permit must be issued within one year.

4d. Lot 11, Blk 4, Sinajana (M. Cepeda) 10' setback (front) -- DISAPPROVED Cruz/Carlos

Applicant is requesting a variance to front setback of 10' instead of the required 15'. This lot is located in Sinajana, Tract 232. (Mendiola Lanes and Mendiola Court - Area is approximately 5,000 sq. ft.). Existing zoning is R1 (Urban Renewal Project). Stop order was issued--needed 15' setback, even though Public Works stamped Building Permit. Staff recommended disapproval on the basis of that it appears a reasonable structure could be constructed to meet setback requirements. It may be necessary to build a 2-story structure. Commissioners also stated that the builder is a professional and is obligated to know and abide by the law.

4e. Lot 78 & 79, Sumay, Agat (Dairy Queen) 2 signs - APPROVE one and DENY the other

Applicant is requesting to keep both signs. Applicant was notified thru Sign violation survey that their signs are in violation of the sign requirements. One sign is 18 sq. ft. erected prior to 1966 and the other sign is 18 sq. ft. within last 2 yrs. Staff recommended approval for 1st sign with the condition: Sign must not be fixed to revolve. The other sign "Chicken" was disapproved. (Chicken sign apparently constructed without any building permit). Lot sign (prior to 1966) can be considered legal non-conforming. A motion was made by San Nicolas to approve the lot sign and deny the "chicken" sign, seconded by Carlos.

4f. Lot 13 Blk 3 Yona (F. Flores) Neighborhood store - CONDITIONAL APPROVAL Cruz/Carlos

Applicant was requesting a variance to rebuild a legal non-conforming building for a neighborhood store. This project is located within the Urban Renewal Area. In the applicant's letter she stated that the store is important to her as it is her only source of income. Because GHURA will not let her build a residential building and Land Management will not let her build a commercial building, she is requesting a zone variance for a legal non-conforming store to be built on the same lot as the present structure. Staff recommended approval subject to the following conditions: 1.) No bar, restaurant or allied use will be permitted; 2.) Parking must be one to one ratio and approved by staff. 3.) Building permit must be issued within one year.

4g. YAKATORI II, East Agana (South Seas Bldg/Iverson) Keep Sign - DENIED San Nicolas/  
 Cruz

Applicant is requesting to keep the illegal sign. This sign is located at South Seas Building, East Agana. A stop work order was issued April 26, 1972. Applicant was told to obtain a variance and stop work was lifted. Applicant stated he was given clearance to erect sign because it was located below roof level. Staff recommended disapproval. Sign was too large and was attached more than 18" above the building; No variance application was requested. (The sign must be reduced in size and must be attached to the face of the building to be in conformance with the sign code).

229366

TERRITORY OF GUAM, DEPARTMENT OF LAND MANAGEMENT  
OFFICE OF THE RECORDER

INSTRUMENT NUMBER 229306

This instrument was filed for 71

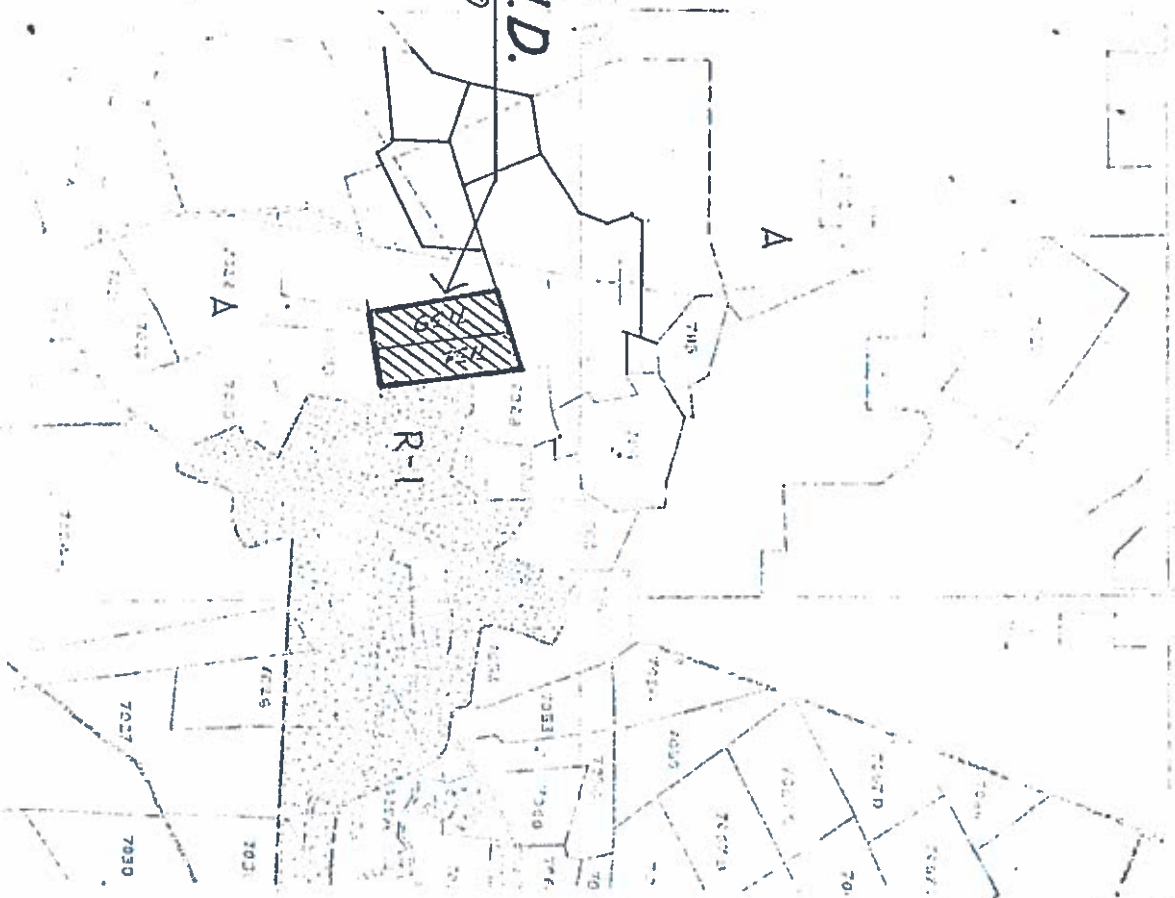
day of 10, 1973, at 9:16 <sup>A.M.</sup> ~~P.M.~~

and duly recorded in Book \_\_\_\_\_ at Page \_\_\_\_\_

\_\_\_\_\_, Recording Fee \_\_\_\_\_ Voucher No. P. 6. Perry

\_\_\_\_\_  
Deputy Recorder

*From A to P.U.D.  
LOTS 7134 and 7139*



Zoning Map No. E3-675.42

AMENDMENT 12

Yigo

SCANNED IMAGE

Adopted by the Territorial Planning Commission  
on June 28, 1973

*Executive Secretary*  
*Augusto D. Reyes*

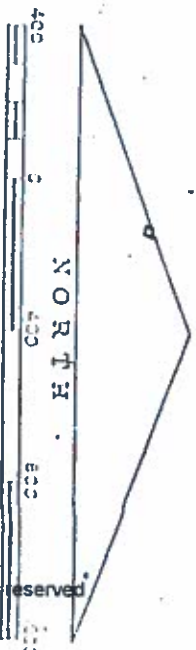
Approved by the Governor of Guam  
on SEP 19 1973

*Governor of Guam*  
*Antonio B. Borja*

Affixed with the Great Seal of Guam  
on 21 SEP 1973

*Honorable*  
LT. Governor of Guam

220266



Dept. of Land Management PLANNING DIVISION

rights reserved



GUAM LAND USE COMMISSION ZONE CHANGE  
APPLICATION NO. 2008-70A  
LOT 7134  
MUNICIPALITY OF YIGO



SPACE FOR RECORDATION

Department of Land Management Office of the Recorder

784157

Title for Record is Instrument No.

2009 Month 01 Day 5 Year 2009

Recording Fee - \$000.00

Deputy Recorder

*[Signature]*

GLUC ZONE CHANGE  
APPLICATION NO. 2008-70A  
BLAIR CONSTRUCTION COMPANY, LTD  
Prepared on OCTOBER 10, 2008

FROM: "PUD" PLANNED UNIT DEVELOPMENT

TO: "R-1" SINGLE-FAMILY DWELLING

LOT NO: 7134

BLOCK NO. N/A

TRACT: N/A

MUNICIPALITY: YIGO

SCALE: N/A

AMENDMENT NO: A-106

ZONING MAP NO: F3-67S 42

THE GUAM LAND USE COMMISSION AT ITS REGULAR MEETING ON OCTOBER 9, 2008, APPROVED THE ZONE CHANGE FROM "PUD" TO "R-1" ON LOT 7134, YIGO, WITHOUT CONDITIONS.

*[Signature]* 10-27-08 DATE

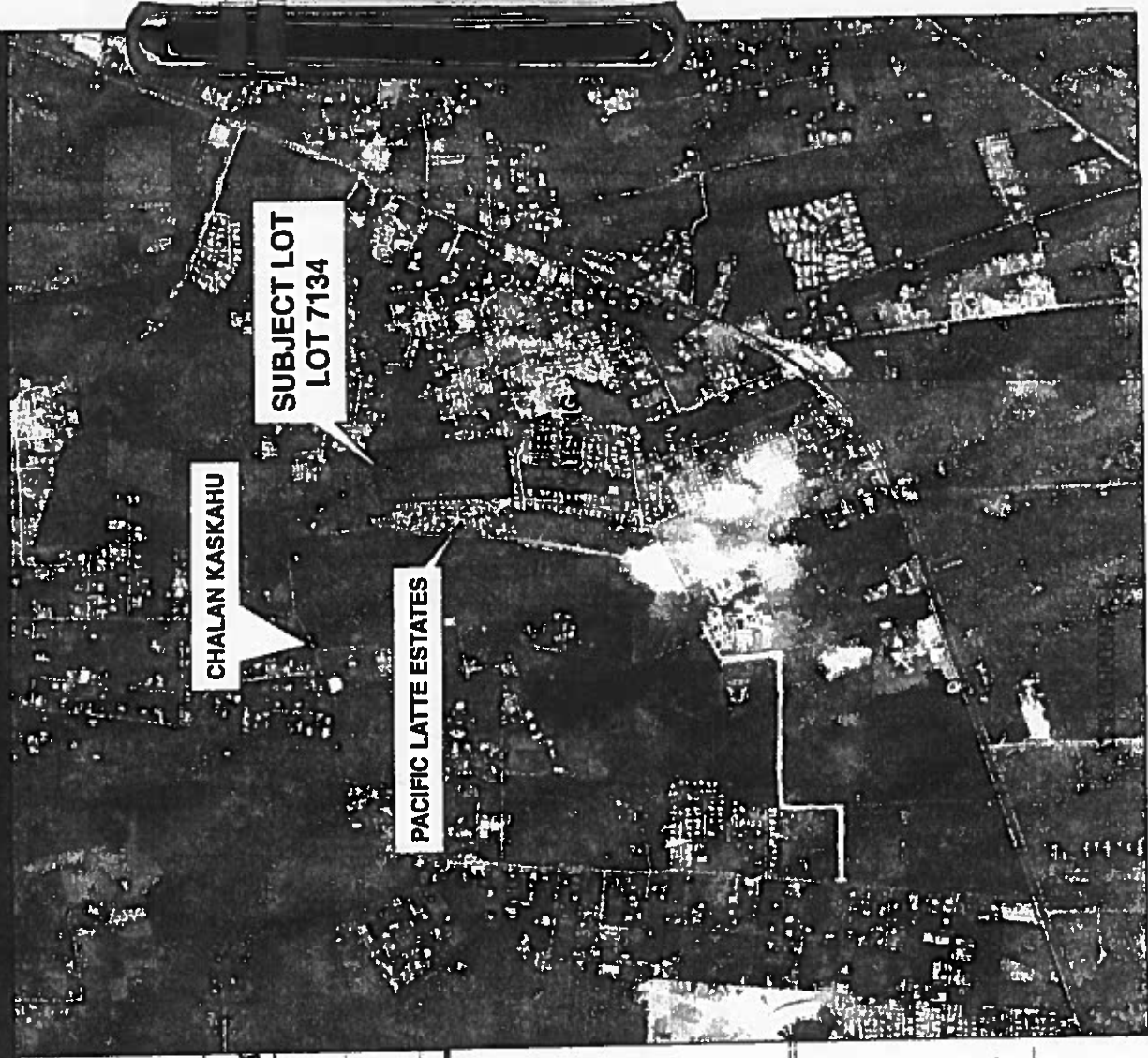
JAY L. LATHER  
CHAIRMAN  
GUAM LAND USE COMMISSION

APPROVED IN WHOLE ☒  
APPROVED IN PART ☐  
DISAPPROVED ☐

*[Signature]* 12-4-08 DATE

FELIX P. CAMACHO  
GOVERNOR OF GUAM

ORIGINAL



SUBJECT LOT  
LOT 7134

CHALAN KASKAHU

PACIFIC LATTE ESTATES



**DIPATTAMENTON MINANEHAN TANO'**  
(Department of Land Management)  
**GUBETNAMENTON GUAHAN**  
(Government of Guam)



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

MICHAEL J.B. BORJA  
Director

DAVID V. CAMACHO  
Deputy Director

Street Address:

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Tamuning, GU 96913

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Hagåtña, GU 96932

Website:

<http://dln.guam.gov>

E-mail Address:

[dmdir@land.guam.gov](mailto:dmdir@land.guam.gov)

Telephone:

671-649-LAND (5263)

Facsimile:

671-649-5383

**March 29, 2017**

**Memorandum**

**To:** Guam Land Use Commission (GLUC) Members  
**From:** Chairman, Application Review Committee (ARC)  
**Subject:** Summary of Positions Submitted by ARC  
**Re:** Application No. 2008-70C (Tentative Subdivision)

Listed below is the compilation of Positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management. The conditions as imposed by the ARC member agencies are listed when applicable.

**DEPARTMENT OF LAND MANAGEMENT (DLM):**

DLM recommends Approval with the following condition;

- A. The applicant, adhere to the ARC conditions and requirements as stipulated on their official Position Statement and the permitting agencies requirements.

**GUAM ECONOMIC DEVELOPMENT & COMMERCE AUTHORITY (GEDCA):**  
GEDCA has no objections.

**GUAM WATERWORKS AUTHORITY (GWA):**

This memorandum shall serve as GWA's position statement to the above tentative subdivision request related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

**Memo to GLUC Members**

**Ref: ARC Position Statements - Application No. 2008-70C**

**March 29, 2017**

**Page 2 of 8**

Given the information provided in the application and existing conditions observed in the field, the following is GWA's position on the tentative subdivision application:

1. Plans and specifications must be submitted for review and approval of GWA prior to construction. Submittals shall include water and sewer design calculations and complete drawings and specifications (submittals will not be accepted without written specifications). GWA recommends that project consultants coordinate development of utility plans with GWA Engineering Department well in advance of building permit submittal (conceptual and 60% development stages). Discussions shall include the proposed project's impacts on existing water and sewer infrastructure and any required infrastructure improvements to existing utilities. Failure to do so may delay issuance of the building permit. Final submittal shall include electronic and paper copies of plans.
2. Design calculations shall include water demand calculations, including peak day demands; wastewater flow calculations; a fixture count summary for evaluation and determination of most appropriate meter size; and fire flow requirements/calculations.
3. Drawings shall delineate the water and wastewater service point of connection and provide specific connection details. Drawings indicating that the point of connection and/or details is "to be determined by others" shall not be accepted.
4. Water service line details shall indicate the proposed meter size. Please note that all system development charges (SDC) will be based on the installed meter size.
5. All water and sewer infrastructure facilities to be installed by the developer will require prior approval from, and shall be subject to inspection by GWA. A request for GWA to assume ownership of privately-constructed water and sewer infrastructure facilities does not automatically constitute acceptance on GWA's part. The request will be subject to GWA review and approval. All water and wastewater utilities are to be located in an easement or right-of-way so that GWA may legally access them. Contractor and/or owner shall provide GWA with a minimum one-year warranty on all utility work prior to GWA acceptance.

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response.

**DEPARTMENT OF PUBLIC WORKS (DPW):**

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the requests provided the following conditions be in place:

## **Memo to GLUC Members**

**Ref: ARC Position Statements - Application No. 2008-70C**

**March 29, 2017**

**Page 3 of 8**

- storm drainage water disposal must be shown in details in the final drawings and to be supported with calculations;
- parking layout and parking stalls (compact ,standard and accessible stalls ) must meet the American Disability Act (ADA) requirements;
- entrance, exit, sidewalks should be wide enough for public access;
- if the owner chooses to use solid waste disposal or any private services, the location of the trash bin container should be situated in an area that will not hinder the public rights of way;
- coordinate with the Bus Operations on the designated location for the Bus;
- parks and playgrounds including landscaping must be design in detail and make use of its physical and biological resources which will have a great impact on the environment;
- comply with all the geotechnical requirements related to site preparations;
- coordinate with the Division of Highways for the installation of lights poles; and
- objectives must be compatible with the Guam Highway Master Plan

DPW recommends approval subject to the comments reviewed by the Application Review Committee (ARC) with a conditions that the set of design drawings must be in conformance with the latest building code requirements including building law of Guam prior to issuance of building permit.

### **BUREAU OF STATISTICS AND PLANS (BSP):**

The Bureau completed its review of Application 2008-70C for Koa, Inc. and provides the following comments and places the following conditions on the project.

**Land Use:** As an approved element of the Guam Comprehensive Development Plan, the North and Central Guam Land Use Plan (NCGLUP) was created to guide land use patterns and aid resource managers in making decisions to protect the quality of life and future of the island, while taking into account Guam's unique environmental, cultural and economic character. The NCGLUP identifies the applicant's property in a very low density residential area. Land use policy LU-1a Very Low Density Residential states:

*"This residential designation provides for very low density (VLD) residential development in the area over the sole source Northern Aquifer. The purpose of this designation is to provide for residential development while protecting the long-term viability and health of the Northern Aquifer. VLD residential densities should generally be no more than one unit per acre."*

Accordingly, the Bureau finds this application to be non-compliant with land use policy LU-1 Very Low Density Residential designation of the North and Central Guam Land Use Plan.

## **Memo to GLUC Members**

**Ref: ARC Position Statements - Application No. 2008-70C**

**March 29, 2017**

**Page 4 of 8**

**Water Source Protection.** Enacted in 1974, the Guam Territorial Seashore Protection Act (21 GCA63) is designed to prevent the deterioration and destruction of Guam's natural shoreline areas and sole source Northern Guam Lens Aquifer (NGLA), and to protect the natural resources present there. The applicant's Yigo property site is above Guam's aquifer. The aquifer is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA a sole source aquifer for Guam's drinking water. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply.

The Bureau is concerned that the proposed construction of 86 single family dwellings may trigger adverse effects in the aquifer if measures are not in place to control erosion and sedimentation during and after construction of the project. Controlling sedimentation from construction sites is a priority with regards to stormwater controls and impacts to receiving water bodies within the project site. Moreover, the proposed project increases impervious surfaces in the form of roads, rooftops, driveways, sidewalks, and parking lots. These surfaces greatly increase runoff volume accelerating erosion and carrying pollutants into the aquifer.

The Bureau recommends that the applicant:

1. Employ erosion and sediment controls during the construction of 86 dwellings to control erosion on site and avoid effects to surrounding neighbors. Best management practices including silt fencing may be found in the CNMI Guam Stormwater Management Manual, October 2006.
2. Coordinate with the Guam Environmental Protection Agency (GEPA) for effective implementation of erosion control methods.
3. Work closely with Guam Environmental Protection Agency (GEPA) for an aquifer protection review pursuant to the "Federal Safe Drinking Water Act," § 1424 and Guam Safe Drinking Water Act," 10 GCA Chapter 53.

**Stormwater Management.** Stormwater management is a major factor in the protection of Guam's vital water resource. Surface runoff carries pollutants into Guam waters causing siltation, increasing sediment loads, which impairs receiving waters. The alteration of vegetated areas to buildings, driveways, parking lots, roads and other surfaces that prevent water from filtering into the ground to our landscape greatly increases the runoff volume created during storms. Studies show that impervious surfaces can be directly correlated to increased runoff volumes as well as waterway velocities, erosion, and flooding.

## **Memo to GLUC Members**

**Ref: ARC Position Statements - Application No. 2008-70C**

**March 29, 2017**

**Page 5 of 8**

The project site plan proposes a ponding basin on Lot 7134 for 86 dwellings within the subdivision. With the intent of this basin to capture stormwater and contaminated runoff generated in this area, it is highly unlikely that the ponding basin is sufficient to accommodate runoff volume from 17 acres. Furthermore, the ponding basin does not filter or treat pollutants before water re-enters the ground.

Therefore, the Bureau highly recommends that the applicant:

1. Incorporate stormwater facilities inclusive of multi-cell ponding basins, bioretention systems, and bioswales into their site design as an infrastructure improvement.
2. Prepare and implement a Stormwater Pollution Prevention Plan in accordance with 2.1.1 General Performance Criteria of the CNMI Guam Stormwater Management Manual.
3. Consult with Guam EPA in incorporating appropriate stormwater methods into their infrastructure site improvement plan among the subdivided lots.

We also refer the applicant to the "Guam Erosion and Sediment Control Field Guide" for contractors and site inspectors. An electronic version of the CNMI and Guam Stormwater Manual and field guide can also be obtained at the Guam EPA office or the Bureau.

**Low Impact Development (LID).** The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from parking roads, driveways, sidewalks, and rooftops accelerate stormwater runoff.

According to NOAA's C-CAP Land Cover Atlas, impervious surfaces increased in the Mataguac Spring-Frontal Pacific Ocean Watershed by 5.17 percent from 2005 to 2011, while the total net loss of forest is -1.96 percent. The analysis further identifies that over 12% of this watershed is impervious. Areas with impervious surface rates approaching or exceeding 12 percent to 15 percent will likely experience negative impacts to water quality. Therefore, the alteration of 17 acres of vegetated area to impervious surfaces will contribute to a greater risk of increased erosion and flooding.

The Bureau recommends the applicant to:

1. Implement LID practices such as permeable pavement for sidewalks, driveways, and walkways, grassed swales, island bioretention, and/or rain gardens into the landscaping design as a means to reduce runoff and control erosion from their property, while promoting groundwater recharge. One such practice could be installing a rain garden that will capture runoff from roofs, sidewalks, parking lots, or driveways, which filters pollutants before entering the water.

**Memo to GLUC Members**

**Ref: ARC Position Statements - Application No. 2008-70C**

**March 29, 2017**

**Page 6 of 8**

An electronic file of the guidebook *"Island Stormwater Practice Design Specifications"* is available at the Bureau's, Guam Coastal Management Program office.

**Invasive Species and Landscaping.** The protection from invasive species is crucial in preserving Guam's native plant and animal species; thus, avoiding the use of invasive plants is encouraged.

The Bureau recommends the applicant to:

1. Incorporate native plants into the landscaping design. The applicant is advised to consult with the Department of Agriculture's Division Forestry and Soil Resources Division and Agricultural Services Division on using native plants to avoid invasive species outbreaks.
2. Consult with Department of Agriculture in using organic fertilizers or pesticides for landscaping purposes to avoid additional contaminants from entering the aquifer. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

**Historic Preservation.** To preserve historic properties and artifacts, the applicant is advised to coordinate with the Department of Parks and Recreation, Guam Historic Resources Division, especially if excavation is involved and before clearing and grading of Lot 7143.

In light of the points presented above, the Bureau finds that the applicant's request to subdivide 17 acres in order to construct 86 single family dwellings is not in line with the Northern and Central Guam Land Use Plan. We further find that the activities of the proposed construction of 86 dwellings directly above a water resource can adversely affect Guam's sole source aquifer if measures are not in place to manage stormwater and control erosion and sediment on site. Moreover, the application lacks sufficient information identifying methods and facilities for collection and disposal of stormwater as required. Therefore, should this application be approved, the Bureau recommends that the applicant, KOA, Inc. comply with the above listed conditions.

**GUAM POWER AUTHORITY (GPA):**

Guam Power Authority has reviewed the application described above and submits the following position statement:

**A. Comments and Recommendations Concerning GPA requirements:**

1. Applicant is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and CPA's Service Rules and Regulations:
  - Coordinate overhead/underground power requirements with GPA Engineering for new structures.

**Memo to GLUC Members**

**Ref: ARC Position Statements - Application No. 2008-70C**

**March 29, 2017**

**Page 7 of 8**

- Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
  - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
  - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
  - Provide scheduling and magnitude of project power demand requirements for new loads.
  - All relocation costs for CPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of CPA's Service Rules and Regulations.
  3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
  4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

**B. General Comments**

GPA has no objection to the request subject to the conditions cited above.

**DEPARTMENT OF PARKS AND RECREATION (DPR):**

We have reviewed subject application submitted by Ignacio F. Santos, Land-Use Planner, on behalf of the applicant/owner and developer, KOA Incorporation, and have considerable reservation approving the application as noted below.

In 2008, development applications were submitted for the same lot under DLM Applications 2008-70A for Zone Change and 2008-70B for Tentative Subdivision. DPR had submitted its position on this to the Executive Secretary, in a letter dated September 4, 2008, as indicated in the GLUC Notice of Action of November 7, 2008.

Our position has not changed. However, the applicant at the time, Blair Construction Company, did not follow up with our requirement to coordinate with our office on the method of clearing and investigation with regards to the protection of historic properties should they be present within the subject property. The property is now owned by KOA Inc., and the requirements for our approval of subject application will remain as stated in the GLUC Notice of Action dated November 6, 2008.

**Memo to GLUC Members**

**Ref: ARC Position Statements - Application No. 2008-70C**

**March 29, 2017**

**Page 8 of 8**

The 17.30 acre property is overburdened with grass and mixed secondary forest, very thick in some areas, typical of the northern Guam forest and may have possibly suffered pre-war farming and post-war disturbances. Although a June 2008 Flora and Fauna study was conducted on the property by ARC Environmental Services, no archaeological study was done. There is a possibility that potentially significant historic properties may be encountered during the course of clearing and grading activities for the subsequent development being proposed. Therefore, we are requiring an Archaeological Phase I Investigation to determine the presence or absence of historic properties and the mitigation measures if needed, to address the adverse effects on the historic properties that may have been identified during the investigation.

The project archaeologist should prepare a Scope of Work for Phase I in consultation with our office. Once the SOW is completed, reviewed and approved, we will recommend approval to the GLUC of the subject application.

**GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):**

Has not submitted Position Statement as of Staff Report date.

**GUAM FIRE DEPARTMENT (GFD):**

Has not submitted Position Statement as of Staff Report date.

**DEPARTMENT OF AGRICULTURE (DoAg):**

Has not submitted Position Statement as of Staff Report date.

**DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):**

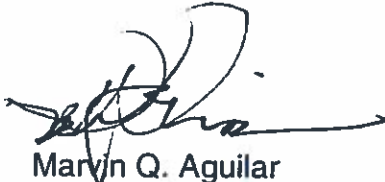
Has not submitted Position Statement as of Staff Report date.

**DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):**

Has not submitted Position Statement as of Staff Report date.

**GUAM PUBLIC SCHOOL SYSTEM (GPSS):**

Has not submitted Position Statement as of Staff Report date.



Marvin Q. Aguilar  
Guam Chief Planner



# GUAM POWER AUTHORITY✓

ATURIDĀT ILEKTRESEDĀT GUAHAN  
P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

RECEIVED

JAN 4 2015

Department of Land Management  
Time 10:25 Intd 11:02

December 21, 2015

## MEMORANDUM

To: Chairman, Guam Land Use Commission  
Executive Secretary, Guam Land Use Commission

From: General Manager

Subject: Lots 7134, Municipality of Yigo, (KOA Inc.); Tentative Subdivision Application to construct 86 Single Family Dwellings. Application No. 2008-70C

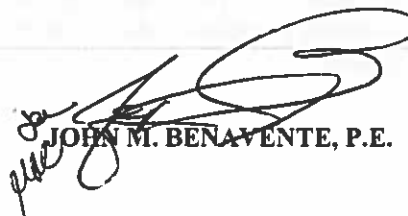
Guam Power Authority has reviewed the application described above and submits the following position statement:

### A. Comments and Recommendations Concerning GPA requirements:

1. Applicant is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
  - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
  - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
  - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
  - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
  - Provide scheduling and magnitude of project power demand requirements for new loads.
  - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

### B. General Comments

GPA has no objection to the request subject to the conditions cited above.

  
JOHN M. BENAVENTE, P.E.

ASG/arp

CR

## INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**  
Applicant: **KOA Inc.**  
Location: **Lots 7134, Yigo**

Type of Application: **Zone Change**  
GLUC/GSPC Application No. **2008-70C**  
Brief Project Description:  
**To construct 86 Single Family Dwellings.**

For the purposes of this Certification, **GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE** include, but are not limited to: **power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.**

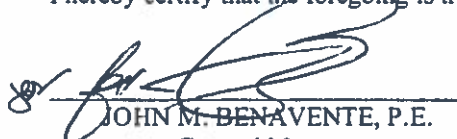
1. I hereby certify that the required **GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE** are currently **AVAILABLE AND IN PLACE** to support this project:  
Yes ☐ No ☒

2. If the answer to #1 above is YES, then:  
I hereby certify that the required **GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE** are currently **ADEQUATE** to support this project:  
Yes ☐ No ☒

3. If the required **GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE** currently in place are **NOT AVAILABLE** or they are **AVAILABLE, BUT NOT ADEQUATE**, itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:

Services, Facilities and Infrastructure Needed	Cost of Upgrades	Funds Available	Date Available	Funds Identified
Please see comments below				

I hereby certify that the foregoing is true and correct to the best of my knowledge.

  
JOHN M. BENAVENTE, P.E.  
General Manager

1/4/23/15  
Date

### Comments:

Based on a preliminary inspection of the site, the electrical facilities may require upgrading to meet the demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.

ASG/arp



**Eddie Baza Calvo**  
Governor

**Ray Tenorio**  
Lt. Governor

**Department of Parks and Recreation**  
**Government of Guam**  
490 Chalan Palasyo  
Agana Heights, Guam 96910  
Director's Office: (671) 475-6296/7  
Facsimile: (671) 477-0997  
Parks Division: (671) 475-6288/9  
Guam Historic Resources Division: (671) 475-6294/5  
Facsimile: (671) 477-2822



**Robert S. Lizama**  
Acting Director

**William N. Reyes**  
Deputy Director

In reply refer to:  
RC2008-1054

January 13, 2016

MB1/21

RECEIVED

JAN 20 2016

Department of Land Management  
Time 1:10 PM

1-20-16  
RECEIVED

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: DPR Position Statement on DLM Case No. 2008-70C: Tentative Subdivision, Lot No. 7134, Yigo, Guam

We have reviewed subject application submitted by Ignacio F. Santos, Land-Use Planner, on behalf of the applicant/owner and developer, KOA Incorporation, and have considerable reservation approving the application as noted below.

In 2008, development applications were submitted for the same lot under DLM Applications 2008-70A for Zone Change and 2008-70B for Tentative Subdivision. DPR had submitted its position on this to the Executive Secretary, in a letter dated September 4, 2008, as indicated in the GLUC Notice of Action of November 7, 2008.

Our position has not changed. However, the applicant at the time, Blair Construction Company, did not follow up with our requirement to coordinate with our office on the method of clearing and investigation with regards to the protection of historic properties should they be present within the subject property. The property is now owned by KOA Inc., and the requirements for our approval of subject application will remain as stated in the GLUC Notice of Action dated November 6, 2008.

The 17.30 acre property is overburdened with grass and mixed secondary forest, very thick in some areas, typical of the northern Guam forest and may have possibly suffered pre-war farming and post-war disturbances. Although a June 2008 Flora and Fauna study was conducted on the property by ARC Environmental Services, no archaeological study was done. There is a possibility that potentially significant historic properties may be encountered during the course of clearing and grading activities for the subsequent development being proposed. Therefore, we are requiring an Archaeological Phase I Investigation to determine the presence or absence of historic properties and the mitigation measures if needed, to address the adverse effects on the historic properties that may have been identified during the investigation.

The project archaeologist should prepare a Scope of Work for Phase I in consultation with our office. Once the SOW is completed, reviewed and approved, we will recommend approval to the GLUC of the subject application.

Please contact our office if you have any questions with regards to our position.

  
Robert S. Lizama  
Director

Cc: Ignacio F. Santos, Land-Use Planner



*The Honorable  
Eddie Baza Calvo  
Governor*

*The Honorable  
Ray Tenorio  
Lieutenant Governor*



*Felix C. Benavente  
Deputy Director*

**RECEIVED**

DEC 10 2015

Department of Land Management  
Time 1:43 PM

December 04, 2015

**MEMORANDUM**

**TO:** Director, Department of Land Management

**FROM:** Director

**APPLICANT:** KOA Inc.

**SUBJECT:** Position Statement No. 2008-70C  
Tentative Subdivision in an R-1 zone area, Lot # 7134, Yigo

Buenas yan Hafa Adai!

The applicant is proposing to construct a previously approved residential subdivision consisting of 86 single family dwellings, with park, basketball court walking trails and BBQ shelters. Access easements within the subdivision will have a width of 40 feet. The on-site improvements of the subdivision will consists of paved roads, sidewalks, curbs, gutters, storm drainage, street lights, fire hydrants, power, water and services for telephone and cable TV. All utility infrastructures servicing the lots will be located under ground within the subdivision on lot 7134, Municipal District of Yigo. A previous Notice of Action was issued by Guam Land Use Commission for the approved zone change and a tentative subdivision request for the construction of this project. The property is currently zoned R-1 (Single Family) and contains a cumulative land area of 70,012 square meters or 753,609 square feet.

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the requests provided the following conditions be in place:

- storm drainage water disposal must be shown in details in the final drawings and to be supported with calculations;
- parking layout and parking stalls (compact ,standard and accessible stalls ) must meet the American Disability Act (ADA) requirements;
- entrance, exit, sidewalks should be wide enough for public access;
- if the owner chooses to use solid waste disposal or any private services, the location of the trash bin container should be situated in an area that will not hinder the public rights of way;
- coordinate with the Bus Operations on the designated location for the Bus;
- parks and playgrounds including landscaping must be design in detail and make use of its physical and biological resources which will have a great impact on the environment;
- comply with all the geotechnical requirements related to site preparations;
- coordinate with the Division of Highways for the installation of lights poles; and
- objectives must be compatible with the Guam Highway Master Plan

DPW recommends approval subject to the comments reviewed by the Application Review Committee (ARC) with a conditions that the set of design drawings must be in conformance with the latest building code requirements including building law of Guam prior to issuance of building permit.

Should you have any questions, please contact Mr. John F. Calanayan, Acting Engineer in Charge or Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646-3189/3224. *HC*

Dangkulu na Si Yu'os Ma'ase!



GLENN LEON GUERRERO



**GUAM WATERWORKS AUTHORITY**

Gloria B. Nelson Public Service Building  
688 Route 15, Mangilao, Guam 96913

RECEIVED

DEC 11 2015

Department of Land Management  
Tirrie [signature] [signature]

**MEMORANDUM**

December 2, 2015

RECEIVED

- JPB 12/10/15  
[signature]

**TO:** Director, Department of Land Management

**FROM:** Greg P. Cruz, Acting General Manager [signature]

**SUBJECT:** Position Statement on Tentative Subdivision Application No. 2008-70C for Lot 7134, in an "R-1" (single-family) zone, in Yigo, Guam

**APPLICANT:** KOA Inc.

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a tentative subdivision to construct a "previously approved" eighty-six unit, single-family subdivision. The applicant proposes the tentative subdivision for Lot 7134 in the Municipality of Yigo.

This memorandum shall serve as GWA's position statement to the above tentative subdivision request related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and existing conditions observed in the field, the following is GWA's position on the tentative subdivision application:

1. Plans and specifications must be submitted for review and approval of GWA prior to construction. Submittals shall include water and sewer design calculations and complete drawings and specifications (submittals will not be accepted without written specifications). GWA recommends that project consultants coordinate development of utility plans with GWA Engineering Department well in advance of building permit submittal (conceptual and 60% development stages). Discussions shall include the proposed project's impacts on existing water and sewer infrastructure and any required infrastructure improvements to existing

18

- utilities. Failure to do so may delay issuance of the building permit. Final submittal shall include electronic and paper copies of plans.
2. Design calculations shall include water demand calculations, including peak day demands; wastewater flow calculations; a fixture count summary for evaluation and determination of most appropriate meter size; and fire flow requirements/ calculations.
  3. Drawings shall delineate the water and wastewater service point of connection and provide specific connection details. Drawings indicating that the point of connection and/or details is "to be determined by others" shall not be accepted.
  4. Water service line details shall indicate the proposed meter size. Please note that all system development charges (SDC) will be based on the installed meter size.
  5. All water and sewer infrastructure facilities to be installed by the developer will require prior approval from, and shall be subject to inspection by GWA. A request for GWA to assume ownership of privately-constructed water and sewer infrastructure facilities does not automatically constitute acceptance on GWA's part. The request will be subject to GWA review and approval. All water and wastewater utilities are to be located in an easement or right-of-way so that GWA may legally access them. Contractor and/or owner shall provide GWA with a minimum one-year warranty on all utility work prior to GWA acceptance.


This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact GWA Engineering Division regarding water and sewer system improvement design and construction standards and procedures. For additional information, please contact Mauryn McDonald, Permits & New Area Development Supervisor at 300-6054.

Eddie Baza Calvo  
Governor of Guam

Ray Tenorio  
Lieutenant Governor

**BUREAU OF  
STATISTICS & PLANS**  
SAGAN PLANU SIHA YAN EMFOTMASION

Government of Guam  
P.O. Box 2950 Hagåtña, Guam 96932  
Tel: (671) 472-4201/3  
Fax: (671) 477-1812

  
William M. Castro  
Director  
James T. McDonald  
Deputy Director

**RECEIVED**

DEC 16 2015

Department of Land Management  
Time 3:30 PM

**MEMORANDUM**

**TO:** Chairman, Guam Land Use Commission

**VIA:** Executive Secretary, Department of Land Management

**FROM:** Director, Bureau of Statistics and Plans

**SUBJECT:** Position Statement on Application No. 2008-70C  
Applicant: KOA, Inc.  
Location: Yigo, Guam; Lot No. 7134  
Purpose: Tentative Subdivision for 86 Single Family Dwellings

The applicant, KOA Inc. represented by Ignacio F. Santos, requests for a tentative subdivision to construct eighty-six (86) single family dwellings in Yigo. Located in an R-1 (single family) zone, Lot 7134 comprises 17 acres or 753,609 square feet. This vacant property is accessible from Chalan Isla Marianas and is adjacent to a single family subdivision. The proposed subdivision includes a park, a basketball court, walking trails and barbecue shelters. Additional onsite improvements comprise 40-foot access easements, paved roads, sidewalks, curbs, gutters, streetlights, a ponding basin and basic utility infrastructure.

It should be noted that this application was approved for a tentative subdivision in a prior year according to statements by the Guam Chief Planner during the Application Review Committee (ARC) meeting on November 19, 2015. The Guam Chief Planner further stated that the project exceeded its one year time period. The Bureau of Statistics and Plans (Bureau) acknowledges its position statement dated August 14, 2008 to the Guam Land Use Commission for Application 2008-70B, which was at the time under Blair Construction Co. Ltd.

The Bureau completed its review of Application 2008-70C for Koa, Inc. and provides the following comments and places the following conditions on the project.

**Land Use:** As an approved element of the Guam Comprehensive Development Plan, the North and Central Guam Land Use Plan (NCGLUP) was created to guide land use patterns and aid resource managers in making decisions to protect the quality of life and future of the island, while taking into account Guam's unique environmental, cultural and economic character. The NCGLUP identifies the applicant's property in a very low density residential area. Land use policy LU-1a Very Low Density Residential states:

*"This residential designation provides for very low density (VLD) residential development in the area over the sole source Northern Aquifer. The purpose of this designation is to provide for residential development while protecting the long-term viability and health of the Northern Aquifer. VLD residential densities should generally be no more than one unit per acre."*

Accordingly, the Bureau finds this application to be non-compliant with land use policy LU-1 Very Low Density Residential designation of the North and Central Guam Land Use Plan.

**Water Source Protection.** Enacted in 1974, the Guam Territorial Seashore Protection Act (21 GCA63) is designed to prevent the deterioration and destruction of Guam's natural shoreline areas and sole source Northern Guam Lens Aquifer (NGLA), and to protect the natural resources present there. The applicant's Yigo property site is above Guam's aquifer. The aquifer is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA a sole source aquifer for Guam's drinking water. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply.

The Bureau is concerned that the proposed construction of 86 single family dwellings may trigger adverse effects in the aquifer if measures are not in place to control erosion and sedimentation during and after construction of the project. Controlling sedimentation from construction sites is a priority with regards to stormwater controls and impacts to receiving water bodies within the project site. Moreover, the proposed project increases impervious surfaces in the form of roads, rooftops, driveways, sidewalks,

and parking lots. These surfaces greatly increase runoff volume accelerating erosion and carrying pollutants into the aquifer.

The Bureau recommends that the applicant:

1. Employ erosion and sediment controls during the construction of 86 dwellings to control erosion on site and avoid effects to surrounding neighbors. Best management practices including silt fencing may be found in the CNMI Guam Stormwater Management Manual, October 2006.
2. Coordinate with the Guam Environmental Protection Agency (GEPA) for effective implementation of erosion control methods.
3. Work closely with Guam Environmental Protection Agency (GEPA) for an aquifer protection review pursuant to the "Federal Safe Drinking Water Act," §1424 and Guam Safe Drinking Water Act," 10 GCA Chapter 53.

**Stormwater Management.** Stormwater management is a major factor in the protection of Guam's vital water resource. Surface runoff carries pollutants into Guam waters causing siltation, increasing sediment loads, which impairs receiving waters. The alteration of vegetated areas to buildings, driveways, parking lots, roads and other surfaces that prevent water from filtering into the ground to our landscape greatly increases the runoff volume created during storms. Studies show that impervious surfaces can be directly correlated to increased runoff volumes as well as waterway velocities, erosion, and flooding.

The project site plan proposes a ponding basin on Lot 7134 for 86 dwellings within the subdivision. With the intent of this basin to capture stormwater and contaminated runoff generated in this area, it is highly unlikely that the ponding basin is sufficient to accommodate runoff volume from 17 acres. Furthermore, the ponding basin does not filter or treat pollutants before water re-enters the ground.

Therefore, the Bureau highly recommends that the applicant:

1. Incorporate stormwater facilities inclusive of multi-cell ponding basins, bioretention systems, and bioswales into their site design as an infrastructure improvement.
2. Prepare and implement a Stormwater Pollution Prevention Plan in accordance with 2.1.1 General Performance Criteria of the CNMI Guam Stormwater Management Manual.
3. Consult with Guam EPA in incorporating appropriate stormwater methods into their infrastructure site improvement plan among the subdivided lots.

We also refer the applicant to the "Guam Erosion and Sediment Control Field Guide" for contractors and site inspectors. An electronic version of the CNMI and Guam Stormwater Manual and field guide can also be obtained at the Guam EPA office or the Bureau.

**Low Impact Development (LID).** The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from parking roads, driveways, sidewalks, and rooftops accelerate stormwater runoff.

According to NOAA's C-CAP Land Cover Atlas, impervious surfaces increased in the Mataguac Spring-Frontal Pacific Ocean Watershed by 5.17 percent from 2005 to 2011, while the total net loss of forest is -1.96 percent. The analysis further identifies that over 12% of this watershed is impervious. Areas with impervious surface rates approaching or exceeding 12 percent to 15 percent will likely experience negative impacts to water quality. Therefore, the alteration of 17 acres of vegetated area to impervious surfaces will contribute to a greater risk of increased erosion and flooding.

The Bureau recommends the applicant to:

1. Implement LID practices such as permeable pavement for sidewalks, driveways, and walkways, grassed swales, island bioretention, and/or rain gardens into the landscaping design as a means to reduce runoff and control erosion from their property, while promoting groundwater recharge. One such practice could be installing a rain garden that will capture runoff from roofs, sidewalks, parking lots, or driveways, which filters pollutants before entering the water.

An electronic file of the guidebook *"Island Stormwater Practice Design Specifications"* is available at the Bureau's, Guam Coastal Management Program office.

**Invasive Species and Landscaping.** The protection from invasive species is crucial in preserving Guam's native plant and animal species; thus, avoiding the use of invasive plants is encouraged.

The Bureau recommends the applicant to:

1. Incorporate native plants into the landscaping design. The applicant is advised to consult with the Department of Agriculture's Division of

Forestry and Soil Resources Division and Agricultural Services Division on using native plants to avoid invasive species outbreaks.

2. Consult with Department of Agriculture in using organic fertilizers or pesticides for landscaping purposes to avoid additional contaminants from entering the aquifer. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

**Historic Preservation.** To preserve historic properties and artifacts, the applicant is advised to coordinate with the Department of Parks and Recreation, Guam Historic Resources Division, especially if excavation is involved and before clearing and grading of Lot 7143.

✓ In light of the points presented above, the Bureau finds that the applicant's request to subdivide 17 acres in order to construct 86 single family dwellings is not in line with the Northern and Central Guam Land Use Plan. We further find that the activities of the proposed construction of 86 dwellings directly above a water resource can adversely affect Guam's sole source aquifer if measures are not in place to manage stormwater and control erosion and sediment on site. Moreover, the application lacks sufficient information identifying methods and facilities for collection and disposal of stormwater as required. Therefore, should this application be approved, the Bureau recommends that the applicant, KOA, Inc. comply with the above listed conditions.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner.

  
**WILLIAM M. CASTRO**

cc: GEPA  
DPW  
GWA  
DPR  
GPA  
DOAG



ATTACHMENT D

**DIPATTAMENTON MINANEHAN TANO'**  
(Department of Land Management)  
**GUBETNAMENTON GUAHAN**  
(Government of Guam)



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

MICHAEL J.B. BORJA  
Director

DAVID V. CAMACHO  
Deputy Director

Street Address:  
590 S. Marine Corps Drive  
Suite 733 ITC Building  
Tamuning, GU 96913

Mailing Address:  
P.O. Box 2950  
Hagåtña, GU 96932

Website:  
<http://dlm.guam.gov>

E-mail Address:  
[dlmdir@land.guam.gov](mailto:dlmdir@land.guam.gov)

Telephone:  
671-649-LAND (5263)

Facsimile:  
671-649-5383

April 7, 2017

**MEMORANDUM**

**To:** Chairman, Guam Land Use Commission  
**From:** Guam Chief Planner  
**Subject:** Staff Report - Application No. 2016-54

**1. PURPOSE:**

- a. **Application Summary:** The applicant, Five Star Corporation represented by Mr. Ignacio Santos is requesting approval of a Tentative Subdivision to create a subdivision consisting of one hundred sixteen (116) Single Family residential Lots on Tract 10442 (formerly Lot 7135-3-5NEW-R1) in the Municipalities of Dededo and Yigo.
- b. **Legal Authority:** Title 21, GCA, Chapter 62, Article 2, Section 62201 thru 62204; Article 4, Section 62401; Article 5, Section 62501 thru 62504, Subdivision Law.

**2. FACTS:**

- a. **Location:** The subject site is located in the Municipalities of Dededo and Yigo, directly across from the junction of Chalan Okso and Chalan Kaskahu, adjacent to the western boundary of the site, fronting Chalan Kaskahu is an existing retail store (Palm's Market) on Lot 7135-3-4, the Commercial element of the approved "PUD". Proposed access to the site is from Chalan Kaskahu and through the established right-of-way easements of Tract 10410 which connects to the established right-of-way easement of Pacific Latte Estates that connects to the Simon Sanchez High School access right-of-way easements that connects to Route No. 1 (Marine Corps Drive).
- b. **Lot Area:** 107,428± Square Meters or 1,156,333± Square Feet.
- c. **Present Zoning:** "PUD" (Planned Unit Development) Zone

- d. **Field Description:** The proposed site is presently vacant, and is presently overgrown with various types of ground cover vegetation, small bushes and large to mid-size trees. The site topography maintains a gradual slope from the Northwestern portion of the site towards the Southeastern portion and certain areas of the site were previously cleared but have been overgrown by vegetation. An existing access (paved road) to two residential houses on lots adjacent to the site, is located on the western portion of site.
- e. **Masterplan:** Undesignated
- f. **Community Design Plan:** Conservation-Open Space
- g. **Previous Commission Action:**  
November 10, 1988 – TPC approved a Zone Change from “A” (Agricultural) zone to “PUD” (Planned Unit Development) consisting of “C” (Commercial), “R-2” (Multi-Family) and “R-1” (Single Family) Uses.

March 25, 2010—GLUC approved a Zone Change Amendment to change the “R-2” (Multi-Family) Use of the approved “PUD” to “R-1” (Single Family) Use and a Tentative Subdivision for a proposed 117 single family residential lot subdivision.

### 3. APPLICATION CHRONOLOGICAL FACTS:

- a. **Date Application Accepted:** November 1, 2016
- b. **Date Heard By ARC:** November 17, 2016
- c. **Public Hearing Results:** Not Required

### 4. STAFF ANALYSIS:

As requested by the applicant, the intent is to create a subdivision consisting of one hundred sixteen (116) single family residential lots ranging in size from 573± square meters to 1,121± square meters, two park area lots, one containing 1,976 ±square meters and a second one containing 1,810± square meters, two ponding basin lots, one containing 1,886± square meters and the other containing 1,939±square meters. In addition five public access and utilities right-of-way lots containing a total of 24,157± square meters are to be created.

In its development concept, the applicant proposes to construct a single, 3 bedroom or 4 bedroom single family residential structure on each of the 116 residential lots, develop the public access and utility easement complete with paved lanes, sidewalks, curbs and gutters, a storm drainage system to include the two ponding basin, streetlights, fire hydrants and underground utilities. The park areas are to be developed and landscaped appropriately for recreational use.

To address the health, safety and general welfare issues of the proposed development and the public in general, the applicant will have to coordinate with the various government entities to ensure that their requirements are adhered, to provide adequate connection to the public sewer system, provide adequate connection to the public water system and required number of fire hydrants, and that the park areas be developed not only for recreational, but also to accommodate the placement of postal mailboxes and bus stations.

In reference to the Bureau of Statistics and Plans' objection because the request is not consistent with the North-Central Land Use Plan's "Very Low Residential" designation and that the proposed development needs to address the appropriate management of storm water runoff during and after the construction of the development.

We submit that the site based on its designated single family use has a density of 231 dwellings (1,156,333 Sq.Ft. ÷ 5,000 Sq.Ft.), and the applicant proposes to create a 166 single family subdivision which is 50% the total density of the site. That, the single family residential units are to be connected to the public sewer which is in line with GEPA's Yard and Area Table pursuant to Section 61501 (c), Chapter 61 of Title 21 GCA and that the development is to provide an onsite storm water retention system, we feel is adequate to address the Bureau's concern.

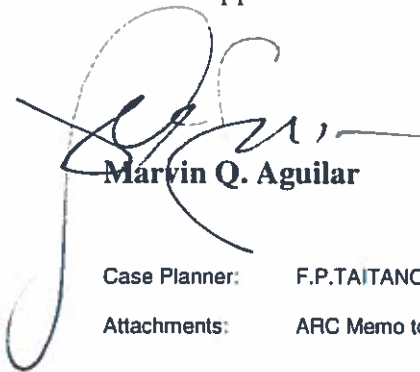
The public necessity for the development supports a single family use and at a 50% density the impact to the surrounding communities would be lesser as well as the impact to the infrastructure systems.

The welfare of the community has been kept foremost in the developer's intent in creating a single-family subdivision with full improvements and will not compromise the quality of life for the existing surrounding neighborhoods.

Therefore it is our conclusion that the applicant's request for a Tentative Subdivision is in line with the "PUD" Master Plan and appropriate to be entertained favorably by the Commission.

5. **RECOMMENDATION:** Based on the above we recommend **APPROVAL** with the following conditions:
- a. The applicant, adhere to conditions and requirements as stipulated on official Position Statement provided by the Application Review Committee, as such conditions and requirements apply to permitting requirements;
  - b. The applicant may request for an extension from the one-year tentative subdivision development approval as provided by law within reason and supporting information. The initial one-year approval shall commence on the date of issuance as noted on the the project's Notice of Action;

- c. Any consideration of significant change to the tentative subdivision plan shall first be submitted to the Guam Chief Planner for assessment and consideration to be forwarded to the Guam Land Use Commission; and
- d. Any changes greater than purported in the submitted tentative subdivision plan as reviewed and approved by the Guam Land Use Commission to include, but not limited to, a request to increase density and/or any similar changes of development preference and not as a result of compliance with government regulations or requirements shall require consideration by the Guam Land Use Commission.
- e. That the applicant, submit an updated Master Plan to the Chief Planner for his review and approval.



**Marvin Q. Aguilar**

Case Planner: F.P.TAITANO

Attachments: ARC Memo to GLUC Member

Island of Guam, Government of Guam  
Department of Land Management Office of the Recorder

File for Recordation No. 812459  
On the Year 10 Month 10 Day 8 Time 8:32

Recording DE-OFFICIO

(Space above for Recordation)

**IMPORTANT NOTICE - READ CAREFULLY**

"Pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for application for Zone Change\*\*\*."

**GUAM LAND USE COMMISSION**

Department of Land Management  
Government of Guam  
P.O. Box 2950  
Hagåtña, Guam 96932

COPY

**NOTICE OF ACTION**

March 26, 2010

Date

To: **Guam Five Star Corporation**  
represented by **Ignacio F. Santos**  
P.O. box 651  
Hagåtña, Guam 96932

Application No. 2007-53B-1

The Guam Land Use Commission, at its meeting on March 25, 2010.

     / Approved      / Disapproved XXX / Approved with Conditions

     / Tabled

Your request for a Tentative Subdivision on Lots 7135-3-5 & 7135-3-6 for a proposed 117-single-family residential lots, Municipality of Yigo

NOTICE OF ACTION  
Guam Five Star Corporation  
represented by Ignacio F. Santos  
(Valldemossa Estate)  
Lots 7135-3-5 & 7135-3-6 Municipality of Yigo  
GLUC Meeting of March 25, 2010  
Date of NOA Preparation March 26, 2010  
Page 2 of 4

Application No. 2007-53B-1

ZONING

\_\_\_ / Zone Change\*\*\*

\_\_\_ / Conditional Use

\_\_\_ / Zone Variance

☐ Height

☐ Use

☐ Density

☐ Other (Specify)

☐ Setback

\_\_\_ / TENTATIVE DEVELOPMENT PLAN

SUBDIVISION

XXX / Tentative

\_\_\_ / Final

\_\_\_ / Extension of Time

\_\_\_ / PL 28-126, SECTION  
1(A)

NOTE ON ZONE CHANGE

\*\*\*Approval by the Guam Land Use Commission of a ZONE CHANGE DOES NOT CONSTITUTE FINAL APPROVAL but rather a recommendation to the Governor for his approval. Applicant shall be notified upon action taken by the Governor. [Reference 21 GCA (Real Property), Chapter 61(Zoning Law), Section 61634 (Decision by the Commission).]

SEASHORE

\_\_\_ / Wetland Permit

\_\_\_ / Seashore Clearance

HORIZONTAL PROPERTY REGIME

\_\_\_ / Preliminary

\_\_\_ / Final

\_\_\_ / Supplementary (Specify)

MISCELLANEOUS

\_\_\_ / Determination of Policy and/or  
Definitions

\_\_\_ / Other (Specify)

**NOTICE OF ACTION**Application No. 2007-53B-1

Guam Five Star Corporation  
represented by Ignacio F. Santos  
(Valldemossa Estate)  
Lots 7135-3-5 & 7135-3-6, Municipality of Yigo  
GLUC Meeting of March 25, 2010  
Date of NOA Preparation March 26, 2010  
Page 3 of 4

**APPLICATION DESCRIPTION:** The Applicant, Guam Five Star Corporation represented by Ignacio F. Santos, request for a Tentative Subdivision (Valldemossa Estate) for a proposed 117-single-family residential Lots Zoned PDD-"R-1" on Lots 7135-3-5 and 7135-3-6, Municipality of Yigo.

**COMMISSION DECISION:**

The Guam Land Use Commission **APPROVED WITH CONDITIONS** the Applicant's request as noted below:

**COMMISSION CONDITION(S):**

1. Applicant shall submit a Consolidated Survey Map for Lots 7135-3-5 and 7135-3-6 to DLM for review and approval; and
2. That the Subdivision shall be subjected under a "LOT, BLOCK and TRACT" system; and
3. Applicant shall adhere to ARC Conditions; and
4. Applicant shall coordinate with the Mayors of Dededo and Yigo since the Development site is located in a dual Municipality. Suggested subject areas are Mayor responsibilities and Government services to be provided and from whom; and
5. The Dual Municipality boundary shall be shown on the ?Consolidated Map. It shall also be shown on the Final Subdivision Map when submitted for final review and approval by the Commission and DLM.



Carlos R. Untalan  
Guam Chief Planner

03-26-2010

Date



Jay L. Lather  
Chairman  
Guam Land Use Commission

10-7-10

Date

Case Planner: Penmer c. Gulac  
Attachment(s): Staff Report ; GLUC Mtg March 25, 2010  
Cc: Building Permits Section, DPW (Attn: Mr. Jesus Ninete)

NOTICE OF ACTION  
Guam Five Star Corporation  
represented by Ignacio F. Santos  
(Valldemossa Estate)  
Lots 7135-3-5 & 7135-3-6, Municipality of Yigo  
GLUC Meeting of March 25, 2010  
Date of NOA Preparation March 26, 2010  
Page 4 of 4

Application No. 2007-53B-1

**CERTIFICATION OF UNDERSTANDING**

I/We \_\_\_\_\_ / Ignacio F. Santos  
(Applicant [Please print name]) (Representative [Please print name])

Understand that pursuant to Section 5 of Executive Order 96-26, that a building or grading permit must be obtained for the approved GLUC/GSPC project within one (1) year of the date of recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire.

The Commission may grant two (2) one-year extensions of the above approval period at the time of initial approval.

This requirement shall not apply for application for a Zone Change\*\*\*

I/We, further **AGREE** and **ACCEPT** the conditions above as a part of the Notice of Action and further **AGREE TO ANY AND ALL CONDITIONS** made a part of and attached to this Notice of Action as mandated by the approval from the Guam Land Use Commission or from the Guam Seashore Protection Commission.

\_\_\_\_\_  
Signature of Applicant Date

 10/7/10  
Signature of Representative Date

ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY:

JIN S. KIM  10/15/10  
Applicant(s) Date

\_\_\_\_\_  
Representative Date

(Space above for Recordation)

**IMPORTANT NOTICE - READ CAREFULLY**

**"Pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for application for Zone Change\*\*\*."**

**GUAM LAND USE COMMISSION**

Department of Land Management  
Government of Guam  
P.O. Box 2950  
Hagåtña, Guam 96932

**NOTICE OF ACTION**

**March 26, 2010**

Date

To: **Guam Five Star Corporation**  
**represented by Ignacio F. Santos**  
**P.O. box 651**  
**Hagåtña, Guam 96932**

**Application No. 2007-53A-1**

The Guam Land Use Commission, at its meeting on **March 25, 2010.**

**XXX/** **Approved**      / **Disapproved**      / **Approved with Conditions**  
     / **Tabled**

Your request for a **PDD Amendment from "R-2" to "R-1" on Lots 7135-3-5 & 7135-3-6; and Lot 7135-3-4 to remain as "C" Zone, Municipality of Yigo**

**NOTICE OF ACTION**Application No. 2007-53A-1

Guam Five Star Corporation  
represented by Ignacio F. Santos  
(Valldemossa Estate)

Lots 7135-3-5, 7135-3-6; and Lot 7135-3-4, Municipality of Yigo

GLUC Meeting of March 25, 2010

Date of NOA Preparation March 26, 2010

Page 2 of 4

**ZONING**

XXX / Zone Change\*\*\*

\_\_\_ / Conditional Use

\_\_\_ / Zone Variance

☐ Height

☐ Use

☐ Density

☐ Other (Specify)

☐ Setback

\_\_\_ / TENTATIVE DEVELOPMENT PLAN

**SUBDIVISION**

\_\_\_ / Tentative

\_\_\_ / Final

\_\_\_ / Extension of Time

\_\_\_ / PL 28-126, SECTION  
1(A)

**NOTE ON ZONE CHANGE**

\*\*\*Approval by the Guam Land Use Commission of a ZONE CHANGE DOES NOT CONSTITUTE FINAL APPROVAL but rather a recommendation to the Governor for his approval. Applicant shall be notified upon action taken by the Governor. [Reference 21 GCA (Real Property), Chapter 61(Zoning Law), Section 61634 (Decision by the Commission).]

**SEASHORE**

\_\_\_ / Wetland Permit

\_\_\_ / Seashore Clearance

**HORIZONTAL PROPERTY REGIME**

\_\_\_ / Preliminary

\_\_\_ / Final

\_\_\_ / Supplementary (Specify)

**MISCELLANEOUS**

\_\_\_ / Determination of Policy and/or  
Definitions

\_\_\_ / Other (Specify)

**NOTICE OF ACTION**

Application No. 2007-53A-1

**Guam Five Star Corporation**

**represented by Ignacio F. Santos**

**(Valldemossa Estate)**

**Lots 7135-3-5, 7135-3-6; and Lot 7135-3-4, Municipality of Yigo**

**GLUC Meeting of March 25, 2010**

**Date of NOA Preparation March 26, 2010**


**Page 3 of 4**

**APPLICATION DESCRIPTION:** The Applicant, Guam Five Star Corporation represented by Ignacio F. Santos, request for a Zone Change Amendment to amend an existing Planned Development District of mix uses (Valldemossa Estate) from "R-2" to "R-1" on Lots 7135-3-5 and 7135-3-6: and to retain the "C" zone on Lot 7135-3-4, Municipality of Yigo.

**COMMISSION DECISION:** **APPROVED WITHOUT CONDITIONS.**

**COMMISSION CONDITION(S):** N/A

 03-26-2010  
Carlos R. Untalan  
Guam Chief Planner  
Date

 6-24-10  
Jay L. Lather  
Chairman  
Guam Land Use Commission  
Date

Case Planner: Penmer c. Gulac

Attachment(s): Staff Report ; GLUC Mtg March 25, 2010

Cc: Building Permits Section, DPW (Attn: Mr. Jesus Ninete)

**NOTICE OF ACTION**

Application No. 2007-53A-1

Guam Five Star Corporation  
represented by Ignacio F. Santos  
(Valldemossa Estate)

Lots 7135-3-5, 7135-3-6; and Lot 7135-3-4, Municipality of Yigo

GLUC Meeting of March 25, 2010

Date of NOA Preparation March 26, 2010

Page 4 of 4

**CERTIFICATION OF UNDERSTANDING**

I/We

(Applicant [Please print name])

/ Ignacio F. Santos  
(Representative [Please print name])

Understand that pursuant to Section 5 of Executive Order 96-26, that a building or grading permit must be obtained for the approved GLUC/GSPC project within one (1) year of the date of recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire.

The Commission may grant two (2) one-year extensions of the above approval period at the time of initial approval.

This requirement shall not apply for application for a Zone Change\*\*\*

I/We, further **AGREE** and **ACCEPT** the conditions above as a part of the Notice of Action and further **AGREE TO ANY AND ALL CONDITIONS** made a part of and attached to this Notice of Action as mandated by the approval from the Guam Land Use Commission or from the Guam Seashore Protection Commission.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

[Signature]  
Signature of Representative

6/28/10  
Date

ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY:

JIN S. KIM [Signature] 10-15-10  
Applicant(s) Date

\_\_\_\_\_  
Representative

\_\_\_\_\_  
Date



GUAM LAND USE COMMISSION  
ZONE CHANGE  
APPLICATION NO. 2007-53A-1



GUAM LAND USE COMMISSION ZONE CHANGE

APPLICATION NO. 2007-53A-1

GUAM FIVE STAR CORPORATION

PREPARED ON APRIL 26, 2010

FROM: "PUD "R-2"  
PLANNED UNIT DEVELOPMENT  
MULTI-FAMILY DWELLING

TO: "PDD "R-1"  
PLANNED DEVELOPMENT DISTRICT  
SINGLE-FAMILY DWELLING

LOT NO: 7135-3-5 & 7135-3-6

BLOCK NO. N/A

TRACT: N/A

MUNICIPALITY: DEDEDO & YIGO

PLACE NAME: N/A

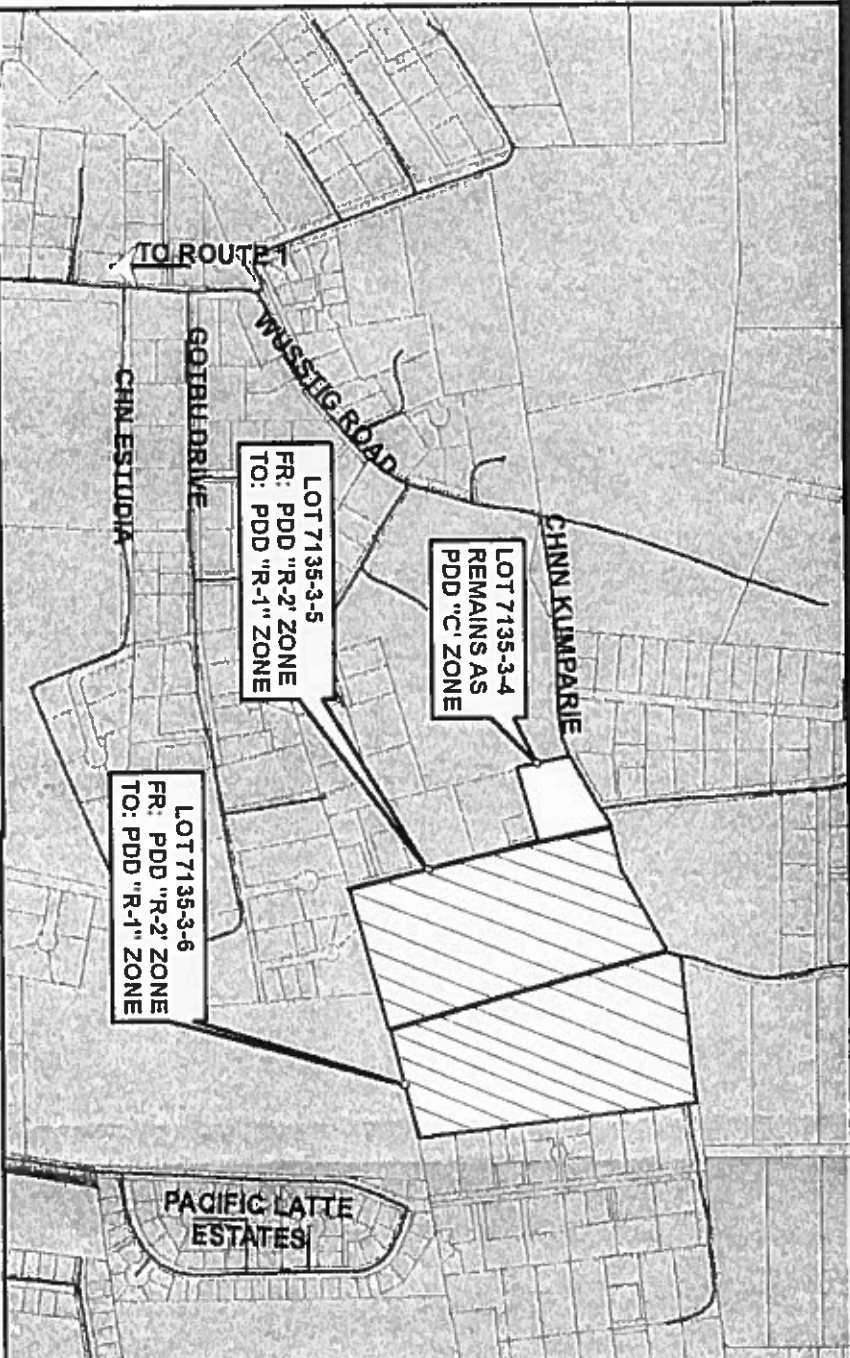
SCALE: N/A

DEDEDO AMENDMENT NO: A-152

ZONING MAP NO: F3-67 S 39

YIGO AMENDMENT NO: A-112

ZONING MAP NO: F3 67S 42



GUAM LAND USE COMMISSION DECISION

THE GUAM LAND USE COMMISSION AT ITS REGULAR  
MEETING ON MARCH 25, 2010 TOOK THE  
FOLLOWING ACTION ON LOTS 7135-3-5 & 7135-3-6:

APPROVED IN WHOLE ☒ APPROVED IN PART ☐

DISAPPROVED ☐

GOVERNOR'S DECISION

APPROVED IN WHOLE ☒

APPROVED IN PART ☐

DISAPPROVED ☐

JAY L. LATHER  
CHAIRMAN  
GUAM LAND USE COMMISSION

DATE

6-24-10

COPY

FELIX P. CAMACHO  
GOVERNOR OF GUAM

DATE

10-5-10

=====

(Space above for Recordation)

**TERRITORIAL LAND USE COMMISSION**  
**Department of Land Management**  
**Government of Guam**  
**Agana, Guam 96910**

**ORIGINAL**

**NOTICE OF ACTION**

November 28, 1995

**To: Guam Five Star Corporation**  
**c/o Felix C. Benavente and Company**  
**P.O. Box AC**  
**Agana, Guam 96910**

**Application No.: None**

The Territorial Land Use Commission, at its meeting on November 10, 1988,

  / Approved

  / Disapproved

XX/ Approved with Conditions

  / Tabled

your request on Lots 7135-3-4, 7135-3-5, and 7135-3-6, Mataguac, Yigo, Municipality of Yigo, for a:

XX/ Zone Change\*\*

  / Subdivision Variance

  / Zone Variance

  / Tentative Subdivision

  / Conditional Use

  / Final Subdivision

  / Wetland Permit

  / Re-subdivision

  / Determination of Policy Definition

  / Subdivision Definition

  / Seashore Clearance

  / Miscellaneous

**\*\*Approval by the Territorial Land Use Commission of a Zone Change DOES NOT CONSTITUTE FINAL APPROVAL but rather a recommendation to the Governor for his approval. Notification will be sent upon action taken by the Governor. [Ref: 21 GCA (Real Property), Chapter 6 (Zoning Law), Section 61634 (Decision by the Commission).]**

NOTICE OF ACTION

Guam Five Star Corporation

Lots 7135-3-4, 7135-3-5, and 7135-3-6 (Zone Change)

TLUC Meeting of November 10, 1988

Page 2 of 2

Application No.: None

APPLICATION DESCRIPTION: Zone Change from "A" (Rural) to "PD" (Planned Development) District in order to create a subdivision for commercial, single-family, and multi-family uses.

\*\*CONDITIONS: The Territorial Land Use Commission APPROVED the application with the following conditions:

1. That the Developer submit a detailed master plan showing the consolidated lots, landscaping, and all other plans to justify the plan;
2. That the Developer comply with PUAG's recommendations;
3. That all collector roads be 60 feet, subject to approval.

John T. Anderson  
JOHN T. ANDERSON  
Territorial Planner

Date

J. A. Martinez  
J. A. MARTINEZ

Date

Executive Secretary, TLUC

Enrique C. Baza, Jr.  
ENRIQUE C. BAZA, JR.  
Chairman, TLUC/TSPC, Acting

Date

Case Planner: JTA

Attachment(s): DRC Distribution List

cc: Building Permits Section, DPW (Attn: Mr. Jesus Ninete)

CERTIFICATION OF UNDERSTANDING

WE/I, Felix C. Benavente, understand  
(Applicant, pls. print) (Representative - pls. print)

and accept the conditions above as a part of the Notice of Action, and further agree to adhere to any and all conditions made a part of and attached to this Notice of Action as mandated by the approval of the Territorial Land Use Commission/Territorial Seashore Protection Commission."

Signature of Applicant

Signature of Representative

Date:

Date: Dec. 01, 1995

ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY:

Applicant or Representative

Date

\*\*Because of the year in which this application was approved, i.e., November 10, 1988, the Findings of Fact portion is not applicable.

The Commission questioned the representative in respect to complying with DPW (Engineering)'s recommendations.

With no further questions, Mr. Rios moved, seconded by Ms. Evangelista, to approve the application to construct a 60-unit motel in a "C" Zone, and a Height Variance for 29 feet, three-stories, with the following conditions: 1) warehouse is removed and relocated before the occupancy permit is given; 2) DPW's recommendations; and 3) PUAG's recommendation. Motion carried.

ZONE CHANGE:

2) Lot No. 5147-2B-REM-5B-1, Tamuning (Big Point, Inc. c/o Robert Sun); Zone Change from "R-1" to "R-2" in order to renovate an existing building into a 16-unit motel. (TABLED Feb. 18, 1988, August 11, 1988 and October 27, 1988) DISAPPROVAL: ATEDTAOTAO/BEVANGELISTA

Madame Chairman recognized Messrs. P.D. Hemlani and Robert Sun, representing the applicant, Big Point, Inc., requesting for a Zone Change approval from "R-1" to "R-2" in order to convert the existing structure into a 16-unit motel. The structure was previously used as a barracks to house alien workers.

Mr. Taitague reported the staff findings - On May 28, 1987, TPC disapproved the Zone Variance application. This application was heard at the SDRC meeting of January 7, 1988 and Position Statements from various GovGuam agencies were submitted as follows: PUAG - no objection as long as the applicant pays the proposed "fair share" development/impact fee upon implementation by the government for water and sewer. Additional water supply will be realized through such funding source; DPW (Engineering) - recommends approval; Dept. of Commerce - objected due to the following reasons: 1) no justification as per Section 17600; 2) existing infrastructure both sewer and water is inadequate to support additional "R-2" development.

On April 13, 1988, the public hearing was cancelled due to the applicant's failure to appear at the hearing for the explanation of the project. However, the public hearing was re-scheduled for June 28, 1988, with 4 in attendance including the applicant. During the hearing, Mr. Eddie Cruz was totally against the zone change for the following reasons: 1) no Master Plan; 2) road is only 30 ft. wide; 3) 2' water line is inadequate and no justification to the zone change. The existing structure was once a barracks. The Commissioner also mentioned that there is low water pressure in the area.

Planning Staff recommends disapproval for the following reasons: 1) The applicant failed to identify the public necessity, convenience and general welfare to justify such actions; and 2) due to the inability of the applicant to widen the easement to at least 40 feet.

The Commission questioned the representative regarding the problem of the access area and of the water pressure. The Commission voiced their main concern on the sewer situation and traffic congestion.

With no further question, Mr. Tedtaotao moved, seconded by Ms. Evangelista, to disapprove the application for the following reasons: 1) application has been disapproved several times before and does not know why it keeps coming back; and 2) by approving this application, they would only be compounding congestion. Motion carried.

3) Lot No. 7135-3-4, 7135-3-5, and 7135-3-6, Mataguac, Yigo (Guam Five Star Corporation c/o Cornerstone, Inc.); Zone Change from "A" to "PUD" in order to develop a subdivision for commercial, single and multiple family dwelling uses. (TABLED October 13 & 27, 1988) CONDITIONAL APPROVAL: DRIOS/BEVANGELISTA

Madame Chairman recognized Mr. Ike Iseke, representing the applicant, Guam Five Star Corporation, who is requesting for a zone change approval from "A" to "PUD", in order to develop a subdivision for commercial, single and multiple family dwellings, consisting of 3 uses: 1 Lot is for commercial use; 4 Blocks are for Single Family Dwellings; and 3 Blocks are for Multiple Family Dwellings.

Mr. Taitague reported the staff findings - This application was heard at the SDRC meeting of June 2, 1988 and Position Statements from various GovGuam agencies were submitted as follows: PUAG - the developer must be required to connect to the main transmission line along Marine Drive. In Addition, pay proposed "fair share" development/impact upon implementation by the government for water and sewer. Additional water supply will be realized through such funding source. The Developer must also be required to connect sewer to the main gravity line along Marine Drive; Dept. of Commerce - recommends approval on the condition that construction begin only after PUAG has provided a written statement that the sewer hookup will be available before completion of the project; Bureau of Planning - has no objection to the proposed "PUD", however, the applicant must submit to TPC a detailed development plan showing all improvements such as sidewalks, curbs, gutters, and street lights. Second, the applicant should submit to TPC a detailed commercial development plan indicating the type of activity proposed, lot area covered by the commercial structure, parking layout, etc. Third, the applicant is encouraged to provide more open space and other amenities such as a playground or bus stops to serve the "PUD".; DPR- recommends the applicant hire an archaeologist to conduct a preliminary cultural resource assessment survey to identify significant historic and archaeological sites that may be affected by their development proposal using standard guidelines accepted by DPR. Survey must be completed before any clearing, grading or structural construction which could damage the sites within the development proposals. If the sites are located within the development proposals, the applicant should not commence with the construction, clearing or grading until such site protection/mitigation plan have been submitted to the TPC with the concurrence of DPR. If applicant cannot obtain concurrence from DPR, they should file their own site protection and/or mitigation plan but to include DPR's comments for TPC review; GEPA - no objection to the project if the applicant agrees to the following conditions: 1) that the applicant must provide sewer service for the project to the main line on Route 1; and 2) an engineering design analysis for the ejector station and force main shall be provided by the applicant.

On June 30, 1988, a Public Hearing was conducted at the Yigo Commissioner's Office at 9:30 a.m., with 6 people in attendance. There were 5 attendees in favor of the Zone Change and 1 opposing the project.

Planning Staff recommends that this application be "tabled" until the applicant submits a detail master plan showing consolidated maps; 2) depict the number and location of all proposed Single Family Dwellings as well as the multiple family dwelling units; 3) landscaping plans; and 4) list the number of proposed units to be constructed.

The Commission asked the representative if they are willing to comply with Bureau of Planning's requirements on the proposed project.

Mr. Taitague recommended that the applicant provide bus shelters as per Bureau of Planning's request.

With no further questions, Mr. Rios moved, seconded by Ms. Evangelista, to approve with the following conditions: 1) the developer must submit a detailed master plan showing the consolidated lots, landscaping and all other plans to justify the plan; 2) per PUAG's recommendations; and 3) all collector roads to be 60 feet subject to approval. Motion carried.

4) Lot No. 2152-F-5-R1, 5172-REM-PART, and 5174-D, Blk. 1, Tract 7, Tumon (Su Eur Huang c/o Oceanic Advisory Services, Inc.); Zone Change from "R-1" to "R-2" in order to construct a proposed 21-unit condominium, to extend the public road from the San Vitores Road to the Coral Pit Area; and to landscape the south side of San Vitores fronting the project and to Ypao Road. (TABLED October 27, 1988) TABLED

Madame Chairman recognized Messrs. Daniel Del Prior and Meliton Santos, representing the applicant, Su Eur Huang, requesting for a Zone Change approval from "R-1" to "R-2" zone to construct a 4-storey residential and commercial condominium.

The Commission questioned the inconsistency of the GovGuam agencies Position Statements with respect to some approving and some disapproving as well as with the Planning Staff's recommendations.



**DIPATTAMENTON MINANEHAN TANO'**  
(Department of Land Management)  
**GUBETNAMENTON GUAHAN**  
(Government of Guam)



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Governor

RAY TENORIO  
Lieutenant Governor

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**March 27, 2017**

**Memorandum**

**To:** Guam Land Use Commission (GLUC) Members  
**From:** Chairman, Application Review Committee (ARC)  
**Subject:** Summary of Positions Submitted by ARC  
**Re:** Application No. 2016-54 (Tentative Subdivision)

Listed below is the compilation of Positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management. The conditions as imposed by the ARC member agencies are listed when applicable.

**DEPARTMENT OF LAND MANAGEMENT (DLM):**

DLM recommends approval with the following conditions:

- A. The applicant, adhere to the ARC conditions and requirements as stipulated on their official Position Statement and the permitting agencies requirements.
- B. That the applicant, submit an updated Master Plan to the Chief Planner for his review and approval.

**GUAM ECONOMIC DEVELOPMENT & COMMERCE AUTHORITY (GEDCA):**  
GEDCA has no objections.

**GUAM POWER AUTHORITY (GPA):**

Guam Power Authority has reviewed the application and submits the following position statement:

**A. Comments and Recommendation Concerning GPA requirements:**

1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:

**Memo to GLUC Members**

**Ref: ARC Position Statements - Application No. 2016-54**

**March 27, 2017**

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- a. Coordinate overhead/underground power requirements with GPA Engineering for new structures;
  - b. Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electric Code;
  - c. Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements;
  - d. Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection;
  - e. Provide scheduling and magnitude of project power demand requirements for new loads;
  - f. All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials;
2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations;
  3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities;
  4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

**B. General Comments**

The poles and lines situated on Lot 7135-3-5NEW-R1 must be relocated to Lot 7135-3-5NEW-1R/W, The Public Access and Utilities Right of Way.

**DEPARTMENT OF PUBLIC WORKS (DPW):**

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the requests provided the following conditions be in place:

- storm drainage water disposal must be shown in details in the final drawings and to be supported with calculations;
- must meet setback requirements of each lot;
- access road should be in conformance to the Highway Master Plan (coordinate with DPW Rights of Way Section);
- entrance, exit, sidewalks should be wide enough for public access;
- if the owner chooses to use solid waste disposal or any private services, the location of the trash bin container should be situated in an area that will not hinder the public rights of way;
- coordinate with bus operations for the designated bus shelters;

**Memo to GLUC Members**

**Ref: ARC Position Statements - Application No. 2016-54**

**March 27, 2017**

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- parks, playgrounds including landscaping must be design in details and make use of its physical and biological resources in order to ensure conservation which will have a great impact on the environment;
- must comply with all the geotechnical requirements; and
- a traffic impact analysis must be coordinated with the Division of Highways (traffic control section)

DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with conditions that for building permit application that a complete set of drawings must meet all the requirements in conformance with the latest building code edition applicable to civil, structural, architectural, mechanical, electrical, plumbing and ADA requirements.

Design drawings must be in conformance with the latest building code edition including building law of Guam prior to issuance of building permit.

**GUAM WATERWORKS AUTHORITY (GWA):**

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a tentative subdivision application approval for a 116 single-family house subdivision within a "R1" (Single-Family Dwelling) zone.

This memorandum shall serve as GWA's position statement to the above tentative subdivision application related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and field observations, the following comments explain GWA's position to support approval of this tentative subdivision application:

1. GWA requires coordination with the GWA Engineering Department at least six months in advance of the construction permit application submittal to determine if available water and sewer system capacity can accommodate future development. Any offsite utility improvements necessary to support the proposed development shall be at the expense of the applicant. GWA's approval of the construction permit application will be contingent upon the applicant's agreement to construct the necessary offsite utility improvements. GWA's approval of the occupancy permit application will be contingent upon the completion of the offsite improvements.

**Memo to GLUC Members**

**Ref: ARC Position Statements - Application No. 2016-54**

**March 27, 2017**

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2. Water demand and sewer load calculations were based on water use of 80 gallons per day (gpd) per person. GWA has adopted the Hawaii Water Systems Standards, which identifies a single family residence average daily water demand of 600 gallons per residential unit. Revised water demand and sewer load calculations are required.
3. The request for GWA to assume ownership of privately-constructed water and sewer infrastructure facilities does not automatically constitute acceptance on GWA's part. The request will be subject to GWA review and approval. The development must meet GWA requirements, including the following:
  - (a) The subdivision's water system shall be looped and connect to the offsite water system at two locations.
  - (b) Utilities (including the lift station and force main) are to be located in a public easement or right-of-way, so that GWA may legally access utilities. Finalized property maps identifying public rights of way or easements must be submitted to GWA.
  - (c) A construction manager hired by the developer shall oversee water and sewer infrastructure construction. A quality control document containing construction records and pictures shall be provided to GWA, to document construction practices and installed materials. GWA shall be provided with construction schedules, so that inspections may be conducted during construction.
  - (d) GWA must have 24-hour access to utility rights of way/easements. If the proposed development will be gated: (a) GWA must approve the access method; (b) the developer shall register the appropriate documentation (such as a utility grant of right of way) with DLM; and (c) gates shall be provided where connections to offsite GWA utilities are located, in order to allow maintenance and repairs of utilities crossing the fence line without damaging the fence.
  - (e) Guam Administrative Rules and Regulations Title 28, Chapter 2, Article 1, Section 2105 (0) states: *"Developers and Subdivision owners who have installed water pump stations whose sole purpose is to serve a particular development or subdivision, and consequently have no excess capacity to serve customers beyond the boundaries of said development or subdivision, shall be required to maintain their own pump station(s) and force main(s) in proper working condition to the satisfaction of GWA."* In order for GWA to accept ownership of the proposed lift station, calculations of offsite sewer load from activities on neighboring lots and calculations showing available capacity for the lift station and force main must be submitted and approved. Calculations should identify all assumptions and cite references.
  - (f) The lift station shall be equipped with a generator, fuel tank, fence, gate, control panel, concrete housing for the generator and control panel, and potable water wash-down spigot equipped with a reduced pressure backflow preventer. The lift station plan shall meet all other GWA and regulatory requirements.

**Memo to GLUC Members**

**Ref: ARC Position Statements - Application No. 2016-54**

**March 27, 2017**

**Page 5 of 9**

- (g) Prior to GWA ownership acceptance of the lift station and force main, the development shall operate and maintain the lift station and force main for a period of 1 year after the start of operations, to demonstrate that the utilities are functioning properly.
- 4. The applicant's construction plans shall include the proposed meter size(s) and identify water meters in the public right of way or easement. Construction plans shall also clearly identify connections to the existing utility systems.
- 5. New development is subject to water and/or sewer system development charges (SDC).

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact GWA Engineering Division regarding water and sewer system improvement design and construction standards and procedures.

**BUREAU OF STATISTICS AND PLANS (BSP):**

The Bureau has completed its review of the subject application and provides the following comments and recommendations:

**Land Use.** The Bureau finds that the proposed project is not consistent with the North and Central Guam Land Use Plan (NCGLUP) Future Land Use Map designations. The NCGLUP is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified as "Very Low Residential (VLD)" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (a).

***Very Low Residential:** "This residential designation provides for very low density (VLD) residential development in the area over the sole source Northern Aquifer. The purpose of this designation is to provide for residential development while protecting the long-term viability and health of the Northern Aquifer. VLD Residential densities should generally be no more than one unit per acre. Non-residential development such as continued agricultural uses should be subject to specific criteria and standards to ensure protection of the Northern Aquifer."*

**Aquifer Protection.** The applicant's Dededo/Yigo property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use.

**Memo to GLUC Members**

**Ref: ARC Position Statements - Application No. 2016-54**

**March 27, 2017**

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The Bureau is concerned that the proposed construction of one-hundred sixteen (116) single family homes will trigger adverse effects in the aquifer if measures are not in place to control erosion and sedimentation during and after construction of the project. The proposed project increases impervious surfaces in the form of roads, rooftops, driveways, sidewalks, and parking lots on twenty-six acres. These surfaces greatly increase runoff volume accelerating erosion and carrying pollutants into the aquifer.

The Bureau recommends that the applicant:

1. Implement best management practices (BMPs) to manage stormwater runoff on site, prevent runoff from flooding surrounding neighbors, and avoid contaminating Guam's sole source aquifer in accordance with the CNMI and Guam Stormwater Management Manual. Additional BMPs may be found in the manual in the Bureau's website [www.bsp3.guam.gov](http://www.bsp3.guam.gov) under the Guam Coastal Management Program.
2. Consult with Guam Environmental Protection Agency (EPA) to comply with an Aquifer Protection Review pursuant to the "Federal Safe Drinking Water Act," § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53.

**Erosion Control.** Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. The Bureau recommends that Guam Five Star Corporation prevent adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
2. Minimize unnecessary clearing and grading to preserve existing natural areas.
3. Stabilize construction entrance and install necessary perimeter controls and diversions.
4. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
6. Where feasible, schedule construction during dry season.

Detailed information and other practices are listed in the CNMI Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide; and can be obtained from the Bureau's website [www.bsp3.guam.gov](http://www.bsp3.guam.gov) under Guam Coastal Management Program.

## **Memo to GLUC Members**

**Ref: ARC Position Statements - Application No. 2016-54**

**March 27, 2017**

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**Stormwater Management.** The project site plan proposes two ponding basins on Lot 7135-3-5-NEW, Tract 10442 within the subdivision. With the intent of the basins to capture stormwater and contaminated runoff, it is highly unlikely that the ponding basin is sufficient to accommodate runoff volume from 26.54 acres. Furthermore, the ponding basin does not filter or treat pollutants before water re-enters the ground. Therefore, we highly recommend that the applicant to:

1. Incorporate stormwater facilities inclusive of multi-cell ponding basins, bioretention systems, and bioswales into their site design as an infrastructure improvement.
2. Consult with Guam EPA in preparing and implementing a stormwater pollution prevention plan (SWPPP) that involves a series of operational practices as the site that reduce the generation of pollutants from a site or prevent contact of rainfall with the pollutants.

**Low Impact Development (LID) Practices.** The project site also lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if practices are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Considering the growing concerns of flooding due to increased impervious surface, the applicant should be required to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property and from each subdivided lot. Additionally, the applicant is highly recommended to incorporate open space and green corridor areas in the site development plan.

**Native Flora.** Protection from invasive species is critical to preserving Guam's native plant and animal species. Therefore, the applicant is advised to avoid the use of invasive plants in their landscape plan.

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**Ref: ARC Position Statements - Application No. 2016-54**

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The use of native plants requires little to no fertilizer for growth. The Bureau encourages consultation with the Department of Agriculture's Division of Forestry and Soil Resources on using native plants and organic fertilizers to avoid additional contaminants from entering the aquifer. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

**Historic Preservation.** The applicant must obtain concurrence from the Department of Parks and Recreation, Historic Preservation Division that the proposed development does not affect historic properties.

In light of the points presented above, the Bureau finds that the tentative subdivision request is not consistent with the North and Central Guam Land Use Plan's "Very Low Residential" designation. We further find that construction activities and impervious surfaces from 26.54 acres can adversely affect Guam's sole source aquifer and surrounding neighbors if best management practices are not in place to manage stormwater runoff on site. Therefore, the Bureau recommends objection of the proposed request for tentative subdivision on Lot 7135-3-5-NEW, Tract 10442 in the municipalities of Dededo and Yigo. Subsequently, if this application is approved, the Guam Five Star Corporation must be required to comply with established laws and the recommendations stipulated above.

**DEPARTMENT OF PARKS AND RECREATION (DPR):**

We have reviewed subject application, submitted by Ignacio F. Santos, Land Use Consultant, Duly representative, on behalf of the applicant, Guam Five Star Corporation. The applicant proposes to develop a housing subdivision consisting of 116 single-family dwellings complete with paved roads, street lights, curbs, gutters and sidewalks, as well as a playground, basketball court, and shelters. The 26.54 acre-tract of land is located at Chalan Kaskahu, at the end of Wusstig Road, Dededo.

We have no objection to the approval of subject application. However, the applicant/developer must comply with the following requirements:

- A qualified archaeologist must conduct an archaeological survey to determine the presence or absence of cultural resources on Tract 10442. The archaeologist must submit the Archaeological Scope of Work (SOW), in coordination with the State Archaeologist, to our office for our review and approval. A Certificate of Approval (COA) will be issued regarding the subject requirement.
- The plans for the basketball court and playground must be submitted to the Department of Parks and Recreation Parks Administrator for review and approval, in accordance with the Guidelines and Standards for Subdivisions and Planned Unit Developments (PUD) on Guam.

**Memo to GLUC Members**

**Ref: ARC Position Statements - Application No. 2016-54**

**March 27, 2017**

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- The project site shall be accessible to DPR-GHRD staff at all times during construction activities.

Traditional Right-of-Way within Tract 10442, should there be any, shall require consultation and compliance with the guidelines and requirements in accordance with Public Law 19-05. Consultation with DPR, DPW

**GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):**

Has not submitted Position Statement as of Staff Report date.

**GUAM FIRE DEPARTMENT (GFD):**

Has not submitted Position Statement as of Staff Report date.

**DEPARTMENT OF AGRICULTURE (DoAg):**

Has not submitted Position Statement as of Staff Report date.

**DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):**

Has not submitted Position Statement as of Staff Report date.

**DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):**

Has not submitted Position Statement as of Staff Report date.

**GUAM PUBLIC SCHOOL SYSTEM (GPSS):**

Has not submitted Position Statement as of Staff Report date.



Marvin Q. Aguilar  
Guam Chief Planner

Attachments: ARC Position statements  
CC: Executive Secretary, GLUC



**Eddie B. Calvo**  
Governor

**Ray Tenorio**  
Lt. Governor

**Department of Parks and Recreation  
Government of Guam**

490 Chalan Palasyo, Agana Heights, Guam 96910  
Director's Office: (671) 475-6296/7; Fax (671) 477-0997  
Parks Division: (671) 475-6288/9  
Guam Historic Resources Division: (671) 475-6294/5  
Facsimile: (671) 477-2822



**Robert S. Lizama**  
Director

**William N. Reyes**  
Deputy Director

In reply refer to:  
RC2017-0028  
cr: RC2007-1166

December 28, 2016

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: Position Statement on DLM Case No. 2016-54:  
Tentative Subdivision, Tract 10442 (Formerly Lot 7135-3-5-NEW)  
Dededo and Yigo, Guam

**RECEIVED**

MB 1/6

JAN 06 2017

Department of Land Management  
Time 10:20 AM

We have reviewed subject application, submitted by Ignacio F. Santos, Land Use Consultant, Duly representative, on behalf of the applicant, Guam Five Star Corporation. The applicant proposes to develop a housing subdivision consisting of 116 single-family dwellings complete with paved roads, street lights, curbs, gutters and sidewalks, as well as a playground, basketball court, and shelters. The 26.54 acre-tract of land is located at Chalan Kaskahu, at the end of Wusstig Road, Dededo.

We have no objection to the approval of subject application. However, the applicant/developer must comply with the following requirements:

- A qualified archaeologist must conduct an archaeological survey to determine the presence or absence of cultural resources on Tract 10442. The archaeologist must submit the Archaeological Scope of Work (SOW), in coordination with the State Archaeologist, to our office for our review and approval. A Certificate of Approval (COA) will be issued regarding the subject requirement.
- The plans for the basketball court and playground must be submitted to the Department of Parks and Recreation Parks Administrator for review and approval, in accordance with the Guidelines and Standards for Subdivisions and Planned Unit Developments (PUD) on Guam.
- The project site shall be accessible to DPR-GHRD staff at all times during construction activities.
- Traditional Right-of-Way within Tract 10442, should there be any, shall require consultation and compliance with the guidelines and requirements in accordance with Public Law 19-05. Consultation with DPR, DPW, and DLM is required.

If you have any questions with regards to our position, please contact our office.

  
Robert S. Lizama

 Cc: Ignacio F. Santos  
Ifsplanner77@gmail.com

08



The Honorable  
**EDDIE BAZA CALVO**  
Governor

The Honorable  
**RAY TENORIO**  
Lt. Governor



**GLENN LEON GUERRERO**

Director

**FELIX C. BENAVENTE**

Deputy Director

December 21, 2016

**MEMORANDUM**

**TO:** Director, Department of Land Management

**FROM:** Director

**APPLICANT:** Guam Five Star Corporation

**SUBJECT:** Position Statement No. 2016-54  
Tentative Subdivision in an R-1 zone area, Tract 10442, Lot # 7135-3-5  
NEW within the Municipality of Dededo and Yigo, Guam

**RECEIVED**

MB 1/20

JAN 15 2017

Department of Land Management  
Time 1:25 Int. 1:25

Buenas yan Hafa Adai!

The applicant is proposing to construct a residential subdivision consisting of 116 Single Family Dwelling units with a playground, basketball court and shelters. Access easements within the subdivision will have a width of 44 feet with two access roads located to the north and southeast portion of the area. The on-site improvements of the subdivision will consist of paved roads, sidewalks, curbs, gutters, storm drainage, street lights, fire hydrants, power, water and services for telephone and cable TV. All utility infrastructure servicing the lots will be located underground within the subdivision. The subject lot is located within the Municipal District of Dededo and Yigo and contains a land area of 1,156,270 square feet.

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the requests provided the following conditions be in place: ✓

- storm drainage water disposal must be shown in details in the final drawings and to be supported with calculations;
- must meet setback requirements of each lot;
- access road should be in conformance to the Highway Master Plan (coordinate with DPW Rights of Way Section);
- entrance, exit, sidewalks should be wide enough for public access;
- if the owner chooses to use solid waste disposal or any private services, the location of the trash bin container should be situated in an area that will not hinder the public rights of way;
- coordinate with bus operations for the designated bus shelters;
- parks, playgrounds including landscaping must be design in details and make use of its physical and biological resources in order to ensure conservation which will have a great impact on the environment;
- must comply with all the geotechnical requirements; and
- a traffic impact analysis must be coordinated with the Division of Highways (traffic control section).

1/20  
OK

DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with conditions that for building permit application that a complete set of drawings must meet all the requirements in conformance with the latest building code edition applicable to civil, structural, architectural, mechanical, electrical, plumbing and ADA requirements.

Design drawings must be in conformance with the latest building code edition including building law of Guam prior to issuance of building permit.

Should you have any questions, please contact Mr. John F. Calanayan, Acting Chief Engineer or Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646-3189/3224.

Dangkulu na Si Yu'os Ma'ase!



GLENN LEON GUERRERO





# GUAM POWER AUTHORITY

ATURIDÅT ILEKTRESEDÅT GUAHAN  
P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

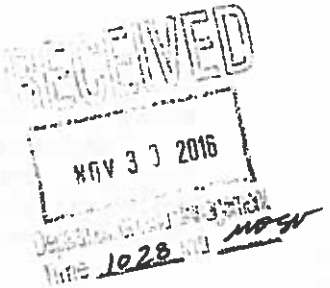
November 21, 2016

## MEMORANDUM

To: Chairman, Guam Land Use Commission  
Executive Secretary, Guam Land Use Commission

From: General Manager

Subject: Tract 10442, Municipality of Dededo & Yigo, (Guam Five Star Corporation); Tentative Subdivision Application to construct 116 Single-Family Dwellings. Application No. 2016-54



Guam Power Authority has reviewed the application described above and submits the following position statement:

### A. Comments and Recommendations Concerning GPA requirements:

1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
  - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
  - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
  - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
  - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
  - Provide scheduling and magnitude of project power demand requirements for new loads.
  - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

### B. General Comments

**The poles and lines situated on Lot 7135-3-5NEW-R1 must be relocated to Lot 7135-3-5NEW-1R/W, The Public Access And Utilities Right Of Way.**

  
JOHN M. BENAVENTE, P.E.

ASG/arp

VFSR

Q

## INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**  
Applicant: **Guam Five Star Corporation**  
Location: **Tract 10442, Dededo & Yigo**  
Type of Application: **Tentative Subdivision**  
GLUC/GSPC Application No. **2016-54**  
Brief Project Description:  
**To construct 116 Single-Family Dwellings.**

For the purposes of this Certification, **GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE** include, but are not limited to: **power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.**

1. I hereby certify that the required **GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE** are currently **AVAILABLE AND IN PLACE** to support this project:

Yes ☐

No ☒

2. If the answer to #1 above is YES, then:

I hereby certify that the required **GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE** are currently **ADEQUATE** to support this project:

Yes ☐

No ☒

3. If the required **GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE** currently in place are **NOT AVAILABLE** or they are **AVAILABLE, BUT NOT ADEQUATE**, itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:

Services, Facilities and Infrastructure Needed	Cost of Upgrades	Funds Available	Date Available	Funds Identified
Please see comments below				

I hereby certify that the foregoing is true and correct to the best of my knowledge.

  
JOHN M. BENAVENTE, P.E.  
General Manager

11-28-16  
Date

### Comments:

Based on a preliminary inspection of the site, the electrical facilities may require upgrading to meet the demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.

ASG/arp

Eddie Baza Calvo  
Governor of Guam

Ray Tenorio  
Lieutenant Governor

**BUREAU OF  
STATISTICS & PLANS**  
SAGAN PLANU SIHA YAN EMFOTMASION

Government of Guam  
P.O. Box 2950 Hagåtña, Guam 96932  
Tel: (671) 472-4201/3  
Fax: (671) 477-1812



William M. Castro  
Director  
Manuel Q. Cruz  
Deputy Director

DEC 06 2016

**MEMORANDUM**

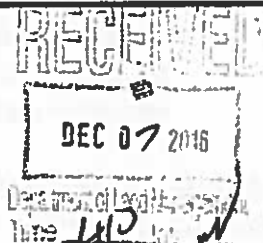
**To:** Chairman, Guam Land Use Commission

**Via:** Executive Secretary, Department of Land Management

**From:** Director, Bureau of Statistics and Plans

**Subject:** **APPLICATION NO.** 2016-54; **LOCATION:** Lot 7135-3-5-NEW, Tract 10442, Dededo/Yigo; **APPLICANT:** Guam Five Star Corporation; **PROPOSED USE:** Tentative Subdivision for Construction of 116 Single Family Dwellings

MB12/9



*Reid 12/08/16  
P. Galar  
Land Planing*

*Håfa Adai!* The applicant, Guam Five Star Corporation, represented by Ignacio Santos, request for a tentative subdivision for the proposed construction of one hundred sixteen (116) single family dwellings on Lot 7135-3-5-NEW, Tract 10442 in an "R1" Single Family Dwelling zone within the municipalities of Dededo and Yigo. The proposed project comprises site improvements with paved roads, street lights, curb gutters, sidewalks, and fire hydrants in addition to a playground, basketball court, and shelters. A site development plan identifies two ponding basins. The applicant also proposes extensive landscaping with signage at the entrance of the development.

The vacant lot comprises a land area of 107,421 square meters or 26.54 acres and can be accessed from Wusstig Road just off of Route 1, Marine Corps Drive. Surrounding land uses are primarily residential homes, small subdivision, and a farm. Simon Sanchez High School is approximately a mile away from the subject property.

The Bureau has completed its review of the subject application and provides the following comments and recommendations:

**Land Use.** The Bureau finds that the proposed project is not consistent with the North and Central Guam Land Use Plan (NCGLUP) Future Land Use Map designations. The NCGLUP is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified as "Very Low Residential (VLD)" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (a).

*og*

**Very Low Residential:** *"This residential designation provides for very low density (VLD) residential development in the area over the sole source Northern Aquifer. The purpose of this designation is to provide for residential development while protecting the long-term viability and health of the Northern Aquifer. VLD Residential densities should generally be no more than one unit per acre. Non-residential development such as continued agricultural uses should be subject to specific criteria and standards to ensure protection of the Northern Aquifer."*

**Aquifer Protection.** The applicant's Dededo/Yigo property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use.

The Bureau is concerned that the proposed construction of one-hundred sixteen (116) single family homes will trigger adverse effects in the aquifer if measures are not in place to control erosion and sedimentation during and after construction of the project. The proposed project increases impervious surfaces in the form of roads, rooftops, driveways, sidewalks, and parking lots on twenty-six acres. These surfaces greatly increase runoff volume accelerating erosion and carrying pollutants into the aquifer.

The Bureau recommends that the applicant:

1. Implement best management practices (BMPs) to manage stormwater runoff on site, prevent runoff from flooding surrounding neighbors, and avoid contaminating Guam's sole source aquifer in accordance with the CNMI and Guam Stormwater Management Manual. Additional BMPs may be found in the manual in the Bureau's website [www.bsp3.guam.gov](http://www.bsp3.guam.gov) under the Guam Coastal Management Program.
2. Consult with Guam Environmental Protection Agency (EPA) to comply with an Aquifer Protection Review pursuant to the "Federal Safe Drinking Water Act," § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53.

**Erosion Control.** Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. The Bureau recommends that Guam Five Star Corporation prevent adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
2. Minimize unnecessary clearing and grading to preserve existing natural areas.

3. Stabilize construction entrance and install necessary perimeter controls and diversions.
4. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
6. Where feasible, schedule construction during dry season.

Detailed information and other practices are listed in the CNMI Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide; and can be obtained from the Bureau's website [www.bsp3.guam.gov](http://www.bsp3.guam.gov) under Guam Coastal Management Program.

**Stormwater Management.** The project site plan proposes two ponding basins on Lot 7135-3-5-NEW, Tract 10442 within the subdivision. With the intent of the basins to capture stormwater and contaminated runoff, it is highly unlikely that the ponding basin is sufficient to accommodate runoff volume from 26.54 acres. Furthermore, the ponding basin does not filter or treat pollutants before water re-enters the ground. Therefore, we highly recommend that the applicant to:

1. Incorporate stormwater facilities inclusive of multi-cell ponding basins, bioretention systems, and bioswales into their site design as an infrastructure improvement.
2. Consult with Guam EPA in preparing and implementing a stormwater pollution prevention plan (SWPPP) that involves a series of operational practices as the site that reduce the generation of pollutants from a site or prevent contact of rainfall with the pollutants.

**Low Impact Development (LID) Practices.** The project site also lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if practices are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Considering the growing concerns of flooding due to increased impervious surface, the applicant should be required to implement LID practices such as permeable parking and

walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property and from each subdivided lot. Additionally, the applicant is highly recommended to incorporate open space and green corridor areas in the site development plan.

**Native Flora.** Protection from invasive species is critical to preserving Guam's native plant and animal species. Therefore, the applicant is advised to avoid the use of invasive plants in their landscape plan. The use of native plants requires little to no fertilizer for growth. The Bureau encourages consultation with the Department of Agriculture's Division of Forestry and Soil Resources on using native plants and organic fertilizers to avoid additional contaminants from entering the aquifer. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

**Historic Preservation.** The applicant must obtain concurrence from the Department of Parks and Recreation, Historic Preservation Division that the proposed development does not affect historic properties.

In light of the points presented above, the Bureau finds that the tentative subdivision request is not consistent with the North and Central Guam Land Use Plan's "Very Low Residential" designation. We further find that construction activities and impervious surfaces from 26.54 acres can adversely affect Guam's sole source aquifer and surrounding neighbors if best management practices are not in place to manage stormwater runoff on site. Therefore, the Bureau recommends objection of the proposed request for tentative subdivision on Lot 7135-3-5-NEW, Tract 10442 in the municipalities of Dededo and Yigo. Subsequently, if this application is approved, the Guam Five Star Corporation must be required to comply with established laws and the recommendations stipulated above.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

  
**MANUEL Q. CRUZ**  
Acting

cc: GEPA  
DPW  
GWA  
DPR

**GUAM WATERWORKS AUTHORITY**

Gloria B. Nelson Public Service Building  
688 Route 15, Mangilao, Guam 96913

RECEIVED

DEC 01 2016

MB<sup>12/2</sup>

1045

**MEMORANDUM**

November 30, 2016

TO: Michael Borja, Director, Department of Land Management

FROM: Miguel Bordallo, P.E., General Manager *Miguel Bordallo*

SUBJECT: Position Statement on Tentative Subdivision Application No. 2011-09B for Lot 7135-3-5-NEW Tract 10442, in an "R1" (Single-Family Dwelling) Zone, in the Municipality of Yigo.

APPLICANT(S): Guam Five Star Corporation

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a tentative subdivision application approval for a 116 single-family house subdivision within a "R1" (Single-Family Dwelling) zone.

This memorandum shall serve as GWA's position statement to the above tentative subdivision application related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and field observations, the following comments explain GWA's position to support approval of this tentative subdivision application:

1. GWA requires coordination with the GWA Engineering Department at least six months in advance of the construction permit application submittal to determine if available water and sewer system capacity can accommodate future development. Any offsite utility improvements necessary to support the proposed development shall be at the expense of the applicant. GWA's approval of the construction permit application will be contingent upon the applicant's agreement to construct the necessary offsite utility improvements. GWA's approval of the occupancy permit application will be contingent upon the completion of the offsite improvements.

*P. Gulae 12/10/16*  
RECEIVED  
*Land Planning Div*  
*06*

2. Water demand and sewer load calculations were based on water use of 80 gallons per day (gpd) per person. GWA has adopted the Hawaii Water Systems Standards, which identifies a single family residence average daily water demand of 600 gallons per residential unit. Revised water demand and sewer load calculations are required.
3. The request for GWA to assume ownership of privately-constructed water and sewer infrastructure facilities does not automatically constitute acceptance on GWA's part. The request will be subject to GWA review and approval. The development must meet GWA requirements, including the following:
  - (a) The subdivision's water system shall be looped and connect to the offsite water system at two locations.
  - (b) Utilities (including the lift station and force main) are to be located in a public easement or right-of-way, so that GWA may legally access utilities. Finalized property maps identifying public rights of way or easements must be submitted to GWA.
  - (c) A construction manager hired by the developer shall oversee water and sewer infrastructure construction. A quality control document containing construction records and pictures shall be provided to GWA, to document construction practices and installed materials. GWA shall be provided with construction schedules, so that inspections may be conducted during construction.
  - (d) GWA must have 24-hour access to utility rights of way/easements. If the proposed development will be gated: (a) GWA must approve the access method; (b) the developer shall register the appropriate documentation (such as a utility grant of right of way) with DLM; and (c) gates shall be provided where connections to offsite GWA utilities are located, in order to allow maintenance and repairs of utilities crossing the fence line without damaging the fence.
  - (e) Guam Administrative Rules and Regulations Title 28, Chapter 2, Article 1, Section 2105 (O) states: *"Developers and Subdivision owners who have installed water pump stations whose sole purpose is to serve a particular development or subdivision, and consequently have no excess capacity to serve customers beyond the boundaries of said development or subdivision, shall be required to maintain their own pump station(s) and force main(s) in proper working condition to the satisfaction of GWA."* In order for GWA to accept ownership of the proposed lift station, calculations of offsite sewer load from activities on neighboring lots and calculations showing available capacity for the lift station and force main must be submitted and approved. Calculations should identify all assumptions and cite references.
  - (f) The lift station shall be equipped with a generator, fuel tank, fence, gate, control panel, concrete housing for the generator and control panel, and potable water wash-down spigot equipped with a reduced pressure backflow

preventer. The lift station plan shall meet all other GWA and regulatory requirements.

(g) Prior to GWA ownership acceptance of the lift station and force main, the development shall operate and maintain the lift station and force main for a period of 1 year after the start of operations, to demonstrate that the utilities are functioning properly.

4. The applicant's construction plans shall include the proposed meter size(s) and identify water meters in the public right of way or easement. Construction plans shall also clearly identify connections to the existing utility systems.
5. New development is subject to water and/or sewer system development charges (SDC).

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact GWA Engineering Division regarding water and sewer system improvement design and construction standards and procedures. For additional information please contact Maurya McDonald, P.E., Permits and New Area Development Supervisor, at 300-6054.



**ATTACHMENT E**  
**DIPĀTTAMENTON MINANEHAN TĀNO'**  
(Department of Land Management)  
**GUBETNAMENTON GUĀHAN**  
(Government of Guam)



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

MICHAEL J. B. BORJA  
Director

DAVID V. CAMACHO  
Deputy Director

April 7, 2017

**MEMORANDUM**

**TO:** Chairman, Guam Land Use Commission

**FROM:** Guam Chief Planner

**SUBJECT:** **Commission Brief – 6-Month Status Report and Compliance to Conditions of Approval of Application No. 2008-003B, Amended Tentative Development Plan for Lot Nos. 5131NEW, 5131-1, 5126-3-1NEW, Tumon, Municipality of Tamuning**

In response to the 6-month status report condition noted on the attached Notice of Actions dated March 29, 2013 and November 4, 2016 the applicant Grandview Development, LLC submits its status report covering;

1. The electrical construction work along San Vitores which is now to proceed after meeting DPR/GHPO's archaeological requirements.
2. The completion of the water and sewer hook up to the GWA lines.
3. The completion of the civil works by the 3<sup>rd</sup> week of April under the BME contract.
4. The completion of the ongoing landscaping and irrigation work by Isla Garden by the 3<sup>rd</sup> week of April.
5. The construction work for the removal of the landscaped median at the entrance of the facility, the relocation of the crosswalk and signaling the intersection after the review and approval of the completed traffic study by Stanley Consultants, Inc. submitted to DPW on March 15, 2017.
6. The design alterations and upgrades of the structure to include but not limited to skylights, loading dock, installation of major equipment, addition of freight elevator etc., to include paving the remaining areas for parking and roadwork.

Street Address:  
590 S. Marine Corps Drive  
Suite 733 ITC Building  
Tamuning, GU 96913

Mailing Address:  
P.O. Box 2950  
Hagåtña, GU 96932

Website:  
<http://dlim.guam.gov>

E-mail Address:  
[dlimdir@land.guam.gov](mailto:dlimdir@land.guam.gov)

Telephone:  
671-649-LAND (5263)

Facsimile:  
671-649-5383

Also included in the status report package:

1. A letter from Department of Parks and Recreation authorizing the utility excavation work along and within San Vitores Road to proceed with conditions.
2. The Traffic Impact Study transmittal letter from Stanley Consultants Inc. to Department of Public Works.
3. A letter from the State Archaeologist, Guam outlining the Scope of Work for the Tumon Mall Violation for work within San Vitores Road without GHPO clearance.

We have reviewed the applicant's submittal and at this time reserved our response and remit it to the Commission for their action.

  
**Marvin Q. Aguilar**

ATTACHMENTS: 6-Month Status Report  
NOA dated 3/29/13  
NOA dated 11/4/16

File for Record is Instrument No.

850531

On the Year

13

Month

04

Day

16

Time

3:49

Recording Fee

DE-OFFICIO

Receipt No.

Deputy Recorder

Risa Manggur

(Space above for Recordation)

**IMPORTANT NOTICE - READ CAREFULLY**

"Pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for application for Zone Change\*\*\*."

**GUAM LAND USE COMMISSION**

Department of Land Management  
Government of Guam  
P.O. Box 2950  
Hagåtña, Guam 96932

**NOTICE OF ACTION**

March 29, 2013

Date

To: Grandview Development, LLC  
c/o Felix C. Benavente  
2149 San Miguel Building,  
Suite 1, Army Drive  
Dededo, Guam 96929

Application No. 2008-003B

The Guam Land Use Commission, at its meeting on March 28, 2013.

     / Approved      / Disapproved XX / Approved with Conditions

     / Tabled

Your request on Lot Nos. 5131NEW, 5131-1, 5126-3-1NEW, Municipality of Tamuning for approval of an Amended Tentative Development Plan (TDP).

NOTICE OF ACTION  
Grandview Development, LLC  
RE: Lot Nos. 5131NEW, 5131-1 & 5126-3-1NEW  
Municipality of Tamuning  
GLUC Hearing Date: March 28, 2013  
Date: March 29, 2013  
Page 2 of 4

Application No. 2008-003B

**ZONING**

- ☐ / Zone Change\*\*\*
- ☐ / Conditional Use
- ☐ / Zone Variance
- ☐ Height ☐ Use
- ☐ Density ☐ Other (Specify)
- ☐ Setback
- XX** / Amended Tentative Development Plan

**SUBDIVISION**

- ☐ / Tentative
- ☐ / Final
- ☐ / Extension of Time
- ☐ / PL 28-126, SECTION 1(A)

**NOTE ON ZONE CHANGE**

\*\*\*Approval by the Guam Land Use Commission of a ZONE CHANGE DOES NOT CONSTITUTE FINAL APPROVAL but rather a recommendation to the Governor for his approval. Applicant shall be notified upon action taken by the Governor. [Reference 21 GCA (Real Property), Chapter 61(Zoning Law), Section 61634 (Decision by the Commission).]

**SEASHORE**

- ☐ / Wetland Permit
- ☐ / Seashore Clearance

**HORIZONTAL PROPERTY REGIME**

- ☐ / Preliminary
- ☐ / Final
- ☐ / Supplementary (Specify)

**MISCELLANEOUS**

- ☐ / Determination of Policy and/or Definitions
- ☐ / Other (Specify)

**NOTICE OF ACTION**

Application No. 2008-003B

**Grandview Development, LLC**

**RE: Lot Nos. 5131NEW, 5131-1 & 5126-3-1NEW**

**Municipality of Tamuning**

**GLUC Hearing Date: March 28, 2013**

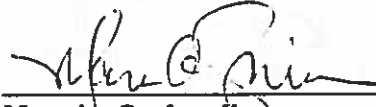
**Date: March 29, 2013**

**Page 3 of 4**


**APPLICATION DESCRIPTION:** The applicant, Grandview Development, LLC represented by Felix C. Benavente is requesting for an Amended Tentative Development Plan approval for the Grandview Shopping Mall (formerly Ino Corporation's Tumon Bay Shopping Center). Tumon, Municipality of Tamuning.

**COMMISSION DECISION:** The Guam Land Use Commission **APPROVED** the applicants request subject to the following conditions:

- A. Applicant continues to adhere to the March 13, 2008 conditions listed on the original Notice of Action; and
- B. That the March 13, 2008, Notice of Action be amended to show that it was temporarily suspended from October, 2011 to March, 2013 with a new expiration date of April 2014; and
- C. That the proposed number of parking stalls to be provided on Lots 5126-2-1, 5126-2-2 and 5126-2-R2 should not be less than 174; and
- D. That Applicant, within six months, returns before the Commission with a status report.

  
Marvin Q. Aguilar  
Acting Guam Chief Planner

4-01-2013  
Date

  
Lawrence S. Rivera  
Acting Chairman  
Guam Land Use Commission

4-16-13  
Date

Case Planner: Frank P. Taitano  
Cc: Building Permits Section, DPW  
Real Property Tax Division, Department of Revenue and Taxation

NOTICE OF ACTION  
Grandview Development, LLC  
RE: Lot Nos. 5131NEW, 5131-1 & 5126-3-1NEW  
Municipality of Tamuning  
GLUC Hearing Date: March 28, 2013  
Date: March 29, 2013  
Page 4 of 4

Application No. 2008-003B

### CERTIFICATION OF UNDERSTANDING

I/We \_\_\_\_\_, Felix C. Benavente  
(Applicant [Please print name]) (Representative [Please print name])

Understand that pursuant to Section 5 of Executive Order 96-26, that a building or grading permit must be obtained for the approved GLUC/GSPC project within one (1) year of the date of recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire.

The Commission may grant two (2) one-year extensions of the above approval period at the time of initial approval.

This requirement shall not apply for application for a Zone Change\*\*\*

I/We, further **AGREE** and **ACCEPT** the conditions above as a part of the Notice of Action and further **AGREE TO ANY AND ALL CONDITIONS** made a part of and attached to this Notice of Action as mandated by the approval from the Guam Land Use Commission or from the Guam Seashore Protection Commission.

\_\_\_\_\_  
Signature of Applicant Date

Felix Benavente 4/16/2013  
Signature of Representative Date

9

ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY:

\_\_\_\_\_  
Applicant Date

Felix Benavente 4/16/2013  
Representative Date

Island of Guam, Government of Guam  
Department of Land Management Officer of the Recorder

File for Record is Instrument No. 900063

On the Year 14 Month 11 Day 18 Time 2:01

Recording Fee DE-OFFICIO Receipt No. \_\_\_\_\_

Deputy Recorder [Signature]

(Space above for Recordation)

**IMPORTANT NOTICE - READ CAREFULLY**

"Pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for application for Zone Change\*\*\*."

**GUAM LAND USE COMMISSION**

Department of Land Management  
Government of Guam  
P.O. Box 2950  
Hagåtña, Guam 96932

**COPY**

**NOTICE OF ACTION**

November 4, 2016  
Date

To: Grandview Development, LLC  
c/o F C Benavente, Planners  
2149 San Miguel Building,  
Suite 1, Army Drive  
Dededo, Guam 96929

Application No. 2008-003B

The Guam Land Use Commission, at its meeting on October 27, 2016.

  / Approved   / Disapproved XX/ Approved with Conditions;

6-month Status Report and Order to Show Cause for the approved Amended Tentative Development Plan (TDP), Submission of Letter of Credit on Lot Nos. 5131NEW, 5131-1, 5126-3-1NEW, Municipality of Tamuning.

**NOTICE OF ACTION**

Grandview Development, LLC

RE: Lot Nos. 5131NEW, 5131-1 &amp; 5126-3-1NEW

Municipality of Tamuning

GLUC Hearing Date: October 27, 2016

Date: November 4, 2016

Page 2 of 4

Application No. 2008-003B

JIC1110-30

**ZONING**☐ / Zone Change\*\*\*☐ / Conditional Use☐ / Zone Variance☐ [ ] Height [ ] Use

**XX** / 6-Month Status Report and Order to Show Cause for an Approved Amended Tentative Development Plan (TDP), Submission of Letter of Credit.

**SUBDIVISION**☐ / Tentative☐ / Final☐ / Extension of Time☐ / PL 28-126, SECTION 1(A)**NOTE ON ZONE CHANGE**

\*\*\*Approval by the Guam Land Use Commission of a ZONE CHANGE **DOES NOT CONSTITUTE FINAL APPROVAL** but rather a recommendation to the Governor for his approval. Applicant shall be notified upon action taken by the Governor. [Reference 21 GCA (Real Property), Chapter 61(Zoning Law), Section 61634 (Decision by the Commission).]

**SEASHORE**☐ / Wetland Permit☐ / Seashore Clearance**HORIZONTAL PROPERTY REGIME**☐ / Preliminary☐ / Final☐ / Supplementary (Specify)**MISCELLANEOUS**☐ / Determination of Policy and/or Definitions☐ / Other (Specify)

**NOTICE OF ACTION**

**Application No. 2008-003B**

**Grandview Development, LLC**

**RE: Lot Nos. 5131NEW, 5131-1 & 5126-3-1NEW**

**Municipality of Tamuning**

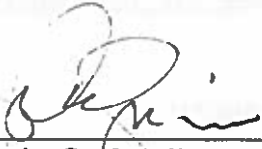
**GLUC Hearing Date: October 27, 2016**

**Date: November 4, 2016**

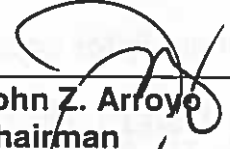
**Page 3 of 4**

**APPLICATION DESCRIPTION:** The Applicant, Grandview Development, LLC; continuance of an Order to Show Cause for failure to comply with the conditions of approval of an amended TDP for the Grandview Shopping Mall as noted on the GLUC Notice of Action dated March 29, 2013 and its six-month status report, under Application No. 2008-003B. [Continuation of GLUC Hearing – 4/14/2016]

**COMMISSION DECISION:** The Guam Land Use Commission accept the applicant's Six Month Status Report and Letter of Credit and, that, the applicant is to return in six (6) months for the next status report.

  
\_\_\_\_\_  
**Marvin Q. Aguilar**  
**Guam Chief Planner**

11/14/16  
Date

  
\_\_\_\_\_  
**John Z. Arroyo**  
**Chairman**  
**Guam Land Use Commission**

11/14/2016  
Date

Case Planner: Frank P. Taitano  
Cc: Building Permits Section, DPW  
Real Property Tax Division, Department of Revenue and Taxation

**NOTICE OF ACTION**

**Grandview Development, LLC**

**RE: Lot Nos. 5131NEW, 5131-1 & 5126-3-1NEW**

**Municipality of Tamuning**

**GLUC Hearing Date: October 27, 2016**

**Date: November 4, 2016**

**Page 4 of 4**

**Application No. 2008-003B**

**CERTIFICATION OF UNDERSTANDING**

I/We \_\_\_\_\_ / \_\_\_\_\_  
(Applicant [Please print name]) (Representative [Please print name])

**Understand that pursuant to Section 5 of Executive Order 96-26, that a building or grading permit must be obtained for the approved GLUC/GSPC project within one (1) year of the date of recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire.**

**The Commission may grant two (2) one-year extensions of the above approval period at the time of initial approval.**

**This requirement shall not apply for application for a Zone Change\*\*\***

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\_\_\_\_\_  
Signature of Applicant Date

 11.14.16  
\_\_\_\_\_  
Signature of Representative Date

**ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY:**

\_\_\_\_\_  
Applicant Date

\_\_\_\_\_  
Representative Date

# **Grandview Development, LLC**

**Application No. 2008-003B**

**Status Report**

**to the**

**Guam Use Land Commission**



**Tumon Bay Mall**

**Submitted By: FC BENAVENTE, Planners**

# FC Benavente, Planners

Planning, Zoning, Land Development Consulting, Permitting

127 Bejong Street, Barrigada, GU 96913  
Tel: 671.687.9865 [richardjsana@yahoo.com](mailto:richardjsana@yahoo.com)

March 29, 2017

Mr. Michael Borja  
Executive Secretary  
Guam Land Use Commission  
Department of Land Management  
P. O. Box 2950  
Hagatna, Guam 96932

Subject: Application No. 2008-003B – Status Report

Hafa Adai Mr. Borja:

We are pleased to submit the attached status report of the approved TDP for Grandview Development, LLC a.k.a. Tumon Bay Mall. This is in accordance with the GLUC decision stipulated on the Notice of Action dated November 4, 2016.

Si Yu'os Ma'åse',



Richard J. Sana  
Principal Planner  
A Duly Authorized Representative

cc: Mr. Marvin Aguilar, Chief Planner, DLM

## Attachments

1. Status Report
2. Document 1/13/2017 – RE: HEP 16-695
3. Document 3/16/2017 – DPR RC2008-220
4. Document 3/15/2017 – Stanley Consultants, Inc. letter to DPW
5. Notice of Action 11/4/2016

## **Grandview Development, LLC**

Application No. 2008-003B

### **Status Report**

1. **Construction:** The construction at the entrance and along San Vitores for the electrical utilities was suspended by the Department of Parks and Recreation for possible archaeological findings. The stoppage required the project management to obtain a qualified archaeologist to prepare and present a Research Design to meet GHPO clearance requirements for work on San Vitores Road.
  - a. SEARCH was hired to do the required archaeological work listed on GHPO's letter dated 1/13/17 (refer to Attachment 2).
  - b. SEARCH submitted the required scope of work to GHPO on March 8, 2017 and received DPR's approval through a letter signed by Director, Robert S. Lizama dated, March 16, 2017 (refer to Attachment 3).
  - c. Continuous monitoring and reporting of inadvertent discoveries is required for the on-going work on San Vitores Road. Mitigation will be implemented if there are significant archaeological findings.
  - d. Work will proceed now that clearance has been approved by DPR/GHPO.
2. **Utilities:** With the exception of electrical work in item 1, underground utilities are done. Water and sewer hooked up with GWA lines are completed.
3. **Civil Works:** With the exception of the areas suspended by the Department of Parks and Recreation, civil works under the BME contract are completed. If no archeological finding that would impede their work, expected completion is by the 3<sup>rd</sup> week of next month.
4. **Landscaping and Irrigation:** Landscaping and irrigation by Isla Garden at the left side, front of the building structure and at the entrance are ongoing; expected completion is on the 3<sup>rd</sup> week of next month.
5. **Traffic Study:** Stanley Consultants, Inc. was hired to conduct the Traffic Study as a requirement by DPW to Grandview Development's request for the removal of the curbs and the median lane at the entrance of the facility for easier access. This study was completed and submitted to DPW on March 15, 2017 and is still under review by DPW and Parsons (refer to Attachment 4).
6. **Design:** Laguna'ña Architects LLC was hired for design alterations and upgrades of the structure to include but not limited to skylights, loading dock, installation of major equipment, addition of freight elevator, etc.; this will include paving the remaining areas for parking and roadwork. The design is expected for completion at the end of June 2017 and will go out for bids for construction afterwards.



**Eddie B. Calvo**  
Governor

**Ray Tenorio**  
Lt. Governor

**Department of Parks and Recreation**  
**Government of Guam**

490 Chalan Palasyo, Agana Heights, Guam 96910  
Director's Office: (671) 475-6296/7; Fax (671) 477-0997  
Parks Division: (671) 475-6288/9  
Guam Historic Resources Division: (671) 475-6294/5  
Facsimile: (671) 477-2822



**Robert S. Lizama**  
Director

**William N. Reyes**  
Deputy Director

In reply refer to:  
RC2008-0220

March 16, 2017

David G. DeFant, M.A., RPA  
Principal Investigator, Guam Office Manager  
SEARCH - SEARCH<sub>2</sub>O  
155 Summerville Drive #506  
Tamuning, Guam 96913

Subject: Review of: Scope of Work, Archaeological Investigations in Conjunction with the Tumon Bay Mall Utilities Excavations, Tumon, Guam

Dear Mr. DeFant,

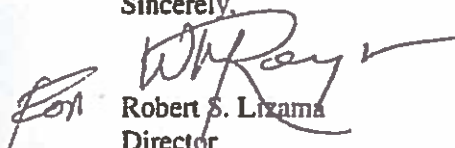
We have reviewed the subject Scope of Work and found it appropriate for the archaeological investigation of the utility line excavations along, and within, Pale' San Vitores Road. These excavations are associated with the on-going Tumon Bay Mall project, by Grandview Development LLC, in Tumon.

Any inadvertent discoveries that require additional excavations within the APE (areas of potential effect) of the project will need our approval. It is the responsibility of the project's archaeologist to coordinate this with our office.

This concludes our review, you may proceed with the project as proposed. Please ensure compliance with the reporting guidelines for the submission of the draft Technical Report, including the Archaeological Report Summary Form (ARSF).

If you have any questions, please do not hesitate to contact our office.

Sincerely,

  
Robert S. Lizama  
Director

Cc: David G. DeFant, SEARCH Inc.  
[David.defant@searchinc.com](mailto:David.defant@searchinc.com)

Fred B. Yamon, Grandview Development LLC  
[Fyamon007@hotmail.com](mailto:Fyamon007@hotmail.com)



A Stanley Group Company  
Engineering, Environmental and Construction Services - Worldwide

March 15, 2017

Mr. Glenn Leon Guerrero  
Director  
Guam Department of Public Works  
542 N. Marine Corps Drive  
Tamuning, Guam 96913

Attention: Mr. Joaquin Blaz, Acting Highway Administrator

Dear Mr. Leon Guerrero:

Subject: Tumon Bay Mall – Traffic Impact Study

On behalf of Grandview Development, LCC, Tumon, Guam, we submit this Tumon Bay Mall – Traffic Impact Study for your review.

Stanley Consultants, Inc. was tasked by Grandview Development, LCC. to support them in delivering a traffic study in support of the Tumon Bay Mall development in Tumon.

Based on the review of the traffic data and capacity analyses, there are improvements at Pale San Vitores Road and Tumon Bay Mall Entrance which are recommended. The improvements consist of the following:

- Remove the landscaped median across the Mall entrance
- Relocate crosswalk to the west side of the intersection
- Signalizing the intersection

The removal of the median is a priority to allow immediate safe access. Grandview Development LLC is willing to proceed with the removal of the median using its own resources and start preparations for its removal. The signalization of the intersection could be completed at a later date and after the entire Mall is occupied.

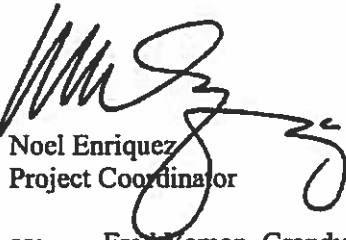
With these improvements, Mall traffic will have a minor impact on the intersections adjacent to the proposed Mall. The intersections within the area will operate at a Level of Service of C or better in the 2030 design year. The exception to this is the intersection of Pale San Vitores Road and Tumon Bay Road which is expected to have higher growth in traffic by year 2030. The impacts at this intersection are related more to existing capacity deficiencies than to the addition of Mall traffic.

Please contact me or Sagar Sonar at 646-3466 or via email at [enriqueznoel@stanleygroup.com](mailto:enriqueznoel@stanleygroup.com) or [sonarsagar@stanleygroup.com](mailto:sonarsagar@stanleygroup.com) if you have any questions or need additional information.

Mr. Glenn Leon Guerrero  
March 15, 2017

Sincerely,

Stanley Consultants, Inc.

A handwritten signature in black ink, appearing to read 'Noel Enriquez', written over the printed name and title.

Noel Enriquez  
Project Coordinator

cc: Fred Yamon, Grandview Development, LLC.  
Mike Lanning, Parsons Transportation Group  
Sagar Sonar, Stanley Consultants

Attachment Tumon Bay Mall – Traffic Impact Study

Mr. Fred Yamon,  
AVP Construction  
Representing Grandview Development, LLC

1/13/17

Subject: Tumon Mall Scope of Work for Highway Encroachment Permit HEP-16-695

A qualified Archaeologist will present our office a Research Design based on the following Scope of Work for Tumon Mall Violation working in the right of way without GHPO clearance.

A trench was excavated along Pale San Vitores Road to the property and the trench also crossed part of Pale San Vitores Road. Part of this trench was filled in with flow-fill by the contractor, pottery, a possible lithic and grayish sand was found atop the back dirt piles where the trench was filled in.

The Assessment:

1. A research design will be submitted to our office to assess the work conducted along Pale San Vitores Road leading into the property and the trench crossing the road.
2. The back-dirt piles need to be screened for artifacts.
3. The walls of the excavations need to be cleaned, photographed and drawn.
4. The entire trench across the road needs to be cleaned, troweled and documented.
5. Any cultural deposits will be recorded and described and possibly how much area was disturbed by the trenching.
6. A trench needs to be excavated along the area that was filled in to examine what was impacted.
7. A draft assessment report will be submitted to our office, with recommendations based on the findings.

Once the report has been reviewed by the Guam Historic Preservation Office, mitigation measures may be imposed on the project. However, such measures cannot be determined at this time. All reporting needs to follow the Reporting Requirements and an Archaeological Report Summary Form will need to be filled out and placed in the back of the report. Any site will need a Guam Historic Inventory Properties Form filled out. The archaeologist is to stop and contact the State Archaeologist if human remains are located at any time.

We look forward to reviewing the Research Design as soon as possible.

John Mark Joseph,

 1/13/17

State Archaeologist, Guam.

Rec:



1 12 17

Island of Guam, Government of Guam  
Department of Land Management Officer of the Recorder

File for Record is Instrument No. 900063

On the Year 16 Month 11 Day 18 Time 2:01

DE-OFFICIO

Recording Fee \_\_\_\_\_ Receipt No. \_\_\_\_\_

Deputy Recorder [Signature]

(Space above for Recordation)

**IMPORTANT NOTICE - READ CAREFULLY**

"Pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for application for Zone Change\*\*\*."

**GUAM LAND USE COMMISSION**

Department of Land Management  
Government of Guam  
P.O. Box 2950  
Hagåtña, Guam 96932

**COPY**

**NOTICE OF ACTION**

November 4, 2016

Date

To: Grandview Development, LLC  
c/o F C Benavente, Planners  
2149 San Miguel Building,  
Suite 1, Army Drive  
Dededo, Guam 96929

Application No. 2008-003B

The Guam Land Use Commission, at its meeting on October 27, 2016.

    / Approved     / Disapproved XX/ Approved with Conditions;

6-month Status Report and Order to Show Cause for the approved Amended Tentative Development Plan (TDP), Submission of Letter of Credit on Lot Nos. 5131NEW, 5131-1, 5126-3-1NEW, Municipality of Tamuning.

**NOTICE OF ACTION**

Grandview Development, LLC

RE: Lot Nos. 5131NEW, 5131-1 & 5126-3-1NEW

Municipality of Tamuning

GLUC Hearing Date: October 27, 2016

Date: November 4, 2016

Page 2 of 4

Application No. 2008-003B

**ZONING**

☐ / Zone Change\*\*\*

☐ / Conditional Use

☐ / Zone Variance

[ ] Height

[ ] Use

**XX** / 6-Month Status Report and Order to Show Cause for an Approved Amended Tentative Development Plan (TDP), Submission of Letter of Credit.

**SUBDIVISION**

☐ / Tentative

☐ / Final

☐ / Extension of Time

☐ / PL 28-126, SECTION 1(A)

**NOTE ON ZONE CHANGE**

\*\*\*Approval by the Guam Land Use Commission of a ZONE CHANGE DOES NOT CONSTITUTE FINAL APPROVAL but rather a recommendation to the Governor for his approval. Applicant shall be notified upon action taken by the Governor. [Reference 21 GCA (Real Property), Chapter 61(Zoning Law), Section 61634 (Decision by the Commission).]

**SEASHORE**

☐ / Wetland Permit

☐ / Seashore Clearance

**HORIZONTAL PROPERTY REGIME**

☐ / Preliminary

☐ / Final

☐ / Supplementary (Specify)

**MISCELLANEOUS**

☐ / Determination of Policy and/or Definitions

☐ / Other (Specify)

**NOTICE OF ACTION**

Grandview Development, LLC

RE: Lot Nos. 5131NEW, 5131-1 & 5126-3-1NEW

Municipality of Tamuning

GLUC Hearing Date: October 27, 2016

Date: November 4, 2016

Page 4 of 4

Application No. 2008-003B

**CERTIFICATION OF UNDERSTANDING**

I/We \_\_\_\_\_ / \_\_\_\_\_  
(Applicant [Please print name]) (Representative [Please print name])


Understand that pursuant to Section 5 of Executive Order 96-26, that a building or grading permit must be obtained for the approved GLUC/GSPC project within one (1) year of the date of recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire.

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I/We, further **AGREE** and **ACCEPT** the conditions above as a part of the Notice of Action and further **AGREE TO ANY AND ALL CONDITIONS** made a part of and attached to this Notice of Action as mandated by the approval from the Guam Land Use Commission or from the Guam Seashore Protection Commission.

\_\_\_\_\_  
Signature of Applicant Date

  
\_\_\_\_\_  
Signature of Representative Date 11.14.16

ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY:

\_\_\_\_\_  
Applicant Date

  
\_\_\_\_\_  
Representative Date 11.21.16

**NOTICE OF ACTION**

Grandview Development, LLC

RE: Lot Nos. 5131NEW, 5131-1 & 5126-3-1NEW

Municipality of Tamuning

GLUC Hearing Date: October 27, 2016


Date: November 4, 2016

Page 3 of 4


Application No. 2008-003B

**APPLICATION DESCRIPTION:** The Applicant, Grandview Development, LLC; continuance of an Order to Show Cause for failure to comply with the conditions of approval of an amended TDP for the Grandview Shopping Mall as noted on the GLUC Notice of Action dated March 29, 2013 and its six-month status report, under Application No. 2008-003B. [Continuation of GLUC Hearing – 4/14/2016]

**COMMISSION DECISION:** The Guam Land Use Commission accept the applicant's Six Month Status Report and Letter of Credit and, that, the applicant is to return in six (6) months for the next status report.

  
Marvin Q. Aguilar  
Guam Chief Planner

11/14/16  
Date

  
John Z. Arroyo  
Chairman  
Guam Land Use Commission

11/14/2016  
Date

Case Planner: Frank P. Taitano

Cc: Building Permits Section, DPW

Real Property Tax Division, Department of Revenue and Taxation

# EXHIBITS



Office of the Mayor & Vice Mayor  
124 Luayao Lane, Barrigada, Guam 96913

MB 4/11 APR 11 2017

Department of Land Management

Time 12:00 Int. 11

March 7, 2017

Mr. Michael Borja  
Director  
Department of Land Management  
Tamuning, Guam 96911

4-10-2017  
**RECEIVED**  
Frank P. Infante  
Planning Div., DLM

Dear Mr. Borja:

Transmitted herewith are copies of Resolution Nos. 2017-001 and 2017-002 which were duly and regularly adopted by the Barrigada Municipal Planning Council.

Resolution No. 2017 – 001; “Relative to expressing the position of the Barrigada Municipal Planning Council on Application No. 2016-40 seeking a zone change on Lot No. 5224-3-1-R1, Municipality of Barrigada from “R-1” (Single Family Dwelling) to “M-1” (Light Industrial) belonging to IAN Corporation, represented by FC Benavente Planners.”

Resolution No. 2017 – 002; “Relative to expressing the position of the Barrigada Municipal Planning Council on Application No. 2016-39 seeking a zone change on Lot No. 5224-3-1-1, Municipality of Barrigada from “R-1” (Single Family Dwelling) to “M-1” (Light Industrial), by the Applicant Carmen Mesa represented by FC Benavente Planners.”

*Sinseramente,*

  
**ROWENA HERNANDEZ**  
Acting Council Secretary

Attachments:



**MUNICIPAL PLANNING COUNCIL**

Thursday, February 2, 2017

MB4/11

**Resolution No. 2017 – 001**

Introduced by:

Chairman and all members of the  
Barrigada Municipal Planning Council

**Relative to expressing the position of the Barrigada Municipal Planning Council on Application No. 2016-40 seeking a zone change on Lot No. 5224-3-1-R1, Municipality of Barrigada from “R-1” (Single Family Dwelling) to “M-1” (Light Industrial) belonging to IAN Corporation, represented by FC Benavente Planners.**

**BE IT RESOLVED BY THE MUNICIPAL PLANNING COUNCIL OF BARRIGADA:**

**WHEREAS**, the Mayor received from the Department of Land Management, Application No. 2016-40 seeking a zone change on Lot No. 5224-3-1-R1, Municipality of Barrigada from “R-1” (Single Family Dwelling) to “M-1” (Light Industrial) belonging to IAN Corporation, represented by FC Benavente Planners; and

**WHEREAS**, the Mayor and the Municipal Planning Council exercising their right finds that government services, facilities and infrastructure currently service the area, which including but not limited to: power lines, poles and facilities; water pump lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; and

**WHEREAS**, the Applicant, IAN Corporation, represented by FC Benavente, Planners, is requesting for a zone change of Lot No. 5224-3-1-R1, Municipality of Barrigada from “R-1” (Single Family Dwelling ) to “M-1” (Light Industrial). for the purpose of better utilizing their property as a warehouse, replete with office spaces; and

**WHEREAS**, the Mayor and the Municipal Planning Council further find that the properties [Lot No. 5224-3-1-1 and Lot No. 5224-3-1-R1] to be rezone abut each other and that the zone change request from “R-1” (Single Family Dwelling ) to “M1” Light Industrial is within the proper zoning designation for the intended use; and

**WHEREAS**, the Mayor and the Municipal Planning Council further express the following:

- (1) **Water Quality Standards.** We are concerned because we don’t see any mention that the Guam Water Quality standards, §5101.C.1.d, as practical, stormwater disposal systems is being designed and operated to terminate in close proximity to, or within project boundaries, to facilitate groundwater recharge. **Note:** applicable to property within the Northern Aquifer protection.
- (2) **GEPA Soil and Sedimentation Control Regulations.** Section 10105.B.5.b; of the “Guam Environmental Protection Agency Guam Soil and Sedimentation Control Regulations” [P.L. 25-152] provides that “Adequate provisions shall be made to prevent surface waters from damaging the cut face of an excavation or the sloped surfaces of a fill. Positive drainage shall

1 be provided to prevent the accumulation or retention of surface water in pits, gullies or  
2 similar depressions."

3 (3) **Surface Water Runoff.** It is the position of the Barrigada Municipal Planning Council that  
4 "all drainage facilities shall be designed to carry surface water runoff to a storm drain that  
5 will discharge to a catchment facility within the project site." More importantly, it shall  
6 provide that "the flow of any existing and known natural underground drainage shall not be  
7 impeded or changed so as to cause damage to adjoining property."

8 (4) **Protection of the Adjoining Properties.** The Barrigada Municipal Planning Council further  
9 state that Section 10106 addresses their concern that deal with the protection of the adjoining  
10 properties. We believe that any person performing or causing to be performed any  
11 excavation or fill shall, at his own expense, provide the necessary means to prevent the  
12 movement of earth to the adjoining properties, and to maintain the existing natural grade of  
13 adjoining properties."

14 (5) **Water Source Protection from Industrial Waste:** Lot No. 5224-3-1-1, Barrigada is located  
15 in and around the Northern Watershed, which is home to the Northern Guam Lens Aquifer.  
16 The aquifer is an essential resource for our island and is the primary source of drinking water  
17 for our island and shall protected at all times.

18 now, therefore, be it

19 **RESOLVED**, that the Barrigada Municipal Planning Council exercising its rights and privileges to  
20 review all applications regarding zone changes involving real property within its boundaries, does hereby  
21 express its comments and support of Application No. 2016-40 seeking a zone change on Lot No. 5224-3-1-  
22 R1, Municipality of Barrigada from "R-1" (Single Family Dwelling) to "M-1" (Light Industrial); and be it  
23 further

24 **RESOLVED**, that the Chairperson of the Council, certify to and the Vice Mayor and the Secretary of  
25 the Council attest to the adoption hereof, and that copies of the same be thereafter transmitted to the  
26 Applicant, IAN Corporation, and their representative FC Benavente, Planners; to the Executive Secretary of  
27 the Guam Land Use Commission; to the Executive Director of the Mayors Council of Guam; to the  
28 Honorable Benjamin JF Cruz, Speaker, Guam Legislature. and to the Honorable Edward JB Calvo, Governor  
29 of Guam.

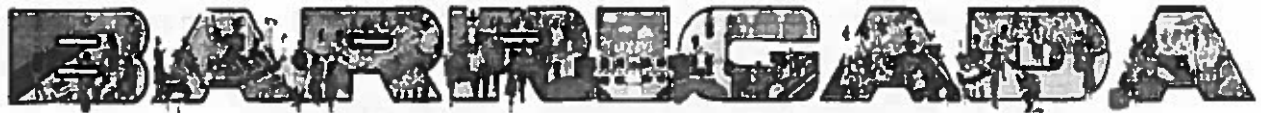
**DULY AND REGULARLY ADOPTED ON THE 30<sup>TH</sup> DAY OF MARCH 2017.**

  
JUNE U. BLAS  
Mayor and Chairman

  
JESSIE P. BAUTISTA  
Vice Mayor

  
ROWENA HERNANDEZ  
MPC Member and Acting Council Secretary





**MUNICIPAL PLANNING COUNCIL**

Thursday, February 2, 2017

MB 4/11

Resolution No. 2017 – 002

Introduced by:

Chairman and all members of the  
Barrigada Municipal Planning Council

**Relative to expressing the position of the Barrigada Municipal Planning Council on Application No. 2016-39 seeking a zone change on Lot No. 5224-3-1-1, Municipality of Barrigada from “R-1” (Single Family Dwelling) to “M-1” (Light Industrial), by the Applicant Carmen Mesa represented by FC Benavente Planners.**

**BE IT RESOLVED BY THE MUNICIPAL PLANNING COUNCIL OF BARRIGADA:**

**WHEREAS**, on January 6, 2017, the Mayor received from the Department of Land Management, the application of Carmen Mesa, represented by FC Benavente, Planners, owner of Lot No. 5224-3-1-1, Municipality of Barrigada seeking to rezone her property from “R-1” (Single Family Dwelling) to “M-1” (Light Industrial); and

**WHEREAS**, the Mayor and the Municipal Planning Council exercising their right finds that government services, facilities and infrastructure currently service the area, which including but not limited to: power lines, poles and facilities; water pump lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; and

**WHEREAS**, the Applicant, Carmen Mesa, represented by FC Benavente, Planners, is requesting for a zone change of Lot No. 5224-3-1-1, Municipality of Barrigada from “R-1” (Single Family Dwelling ) to “M-1” (Light Industrial), the purpose of the zone change is to better utilize the property as a warehouse with replete with office spaces; and

**WHEREAS**, the Mayor and the Municipal Planning Council further find that the zone change request from “R-1” (Single Family Dwelling ) to “M1” Light Industrial is within the proper zoning designation for the intended use; and

**WHEREAS**, the Mayor and the Municipal Planning Council further express the following:

(1) **Water Quality Standards.** We are concerned because we don’t see any mention that the Guam Water Quality standards. §5101.C.1.d. as practical, stormwater disposal systems is being designed and operated to terminate in close proximity to, or within project boundaries, to facilitate groundwater recharge. **Note:** applicable to property within the Northern Aquifer protection.

(2) **GEPA Soil and Sedimentation Control Regulations.** Section 10105.B.5.b: of the “Guam Environmental Protection Agency Guam Soil and Sedimentation Control Regulations” [P.L. 25-152] provides that “Adequate provisions shall be made to

1 prevent surface waters from damaging the cut face of an excavation or the sloped  
2 surfaces of a fill. Positive drainage shall be provided to prevent the accumulation or  
3 retention of surface water in pits, gullies or similar depressions.”

4 (3) **Surface Water Runoff.** It is the position of the Barrigada Municipal Planning  
5 Council that “all drainage facilities shall be designed to carry surface water runoff to  
6 a storm drain that will discharge to a catchment facility within the project site.” More  
7 importantly, it shall provide that “the flow of any existing and known natural  
8 underground drainage shall not be impeded or changed so as to cause damage to  
9 adjoining property.”

10 (4) **Protection of the Adjoining Properties.** The Barrigada Municipal Planning Council  
11 further state that Section 10106 addresses their concern that deal with the protection  
12 of the adjoining properties. We believe that any person performing or causing to be  
13 performed any excavation or fill shall, at his own expense, provide the necessary  
14 means to prevent the movement of earth to the adjoining properties, and to maintain  
15 the existing natural grade of adjoining properties.”

16 (5) **Water Source Protection from Industrial Waste:** Lot No. 5224-3-1-1, Barrigada is  
17 located in and around the Northern Watershed, which is home to the Northern Guam  
18 Lens Aquifer. The aquifer is an essential resource for our island and is the primary  
19 source of drinking water for our island and shall protected at all times.

20 now, therefore, be it

21 **RESOLVED**, that the Barrigada Municipal Planning Council exercising its rights and  
22 privileges to review all applications regarding zone changes involving real property within its  
23 boundaries, does hereby express its comments and support of Application No. 2016-39 seeking a  
24 zone change on Lot No. 5224-3-1-1, Municipality of Barrigada from “R-1” (Single Family  
25 Dwelling) to “M-1” (Light Industrial); and be it further

26 **RESOLVED**, that the Chairperson of the Council, certify to and the Vice Mayor and the  
27 Secretary of the Council attest to the adoption hereof, and that copies of the same be thereafter  
28 transmitted to the Applicant, Carmen Mesa, her representative FC Benavente, Planners; to the  
29 Executive Secretary of the Guam Land Use Commission; to the Executive Director of the Mayors  
30 Council of Guam; to the Honorable Benjamin JF Cruz, Speaker, Guam Legislature, and to the  
31 Honorable Edward JB Calvo, Governor of Guam.

**DULY AND REGUARLY ADOPTED ON THE 30<sup>th</sup> DAY OF MARCH 2017.**

  
JUNE U. BLAS  
Mayor and Chairman

  
JESSIE P. BAUTISTA  
Vice Mayor

  
ROWENA HERNANDEZ  
MPC Member and Acting Council Secretary





# IAN CORPORATION

dba: IAN CONSTRUCTION

EXHIBIT 3

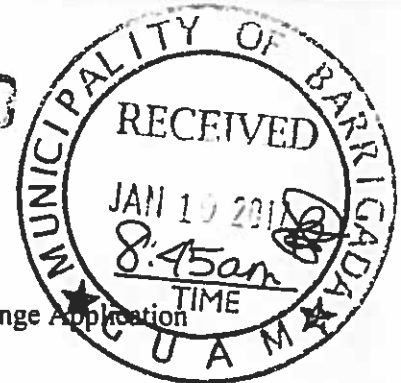
P.O. Box 26764  
GMF Barrigada, Guam  
Phone: (671) 734-3939  
Fax: (671) 734-7762  
E-Mail: [ian@ianconst.com](mailto:ian@ianconst.com)

January 18, 2017

Mayor June Blas  
Vice Mayor Jesse Bautista  
Barrigada, Guam 96913

RECEIVED

1/19/17



Re: January 17, 2017 Public Hearing for Ian Corp. and Carmen Mesa Zone Change Application

Hafa Adai Mayor Blas, Vice Mayor Bautista:

Thank you for your kind hospitality with the scheduling and hosting the January 17 Public Hearing at the Barrigada Mayor's Office for the above-mentioned zoning applications. I am also grateful for your presence, as well as the staff and residents of Barrigada who attended and voiced their concerns relative to our desire to relocate our business office and operations to a new location still within the Barrigada municipality. We find this new location to be a better fit and more compatible with the neighboring properties and land uses. At the hearing, several concerns were raised pertaining to environmental impact that can be associated with the proposed operation and activities of our construction business. The three main and specific issues raised were:

1. Mud and debris on roadways associated with trucks and heavy equipment entering and leaving the premises.
2. Speeding vehicles.
3. Lack of details on the conceptual site plan (in the application exhibit).
4. Parking on access easements blocking vehicular movement.

To ensure that these potential impacts do not occur or are minimized, we will commit to provide the following mitigations:

1. Muddy vehicles and equipment will be clean and clear of debris prior to exiting the compound and entering the roadway.
2. Employees and associates will be advised by management to maintain the regulated speed limits when traveling on the neighborhood roads. Enforcement will be coordinated with the Mayor's office.
3. Provide the Mayor's office with the final engineering plans.
4. No parking of company vehicles and equipment will be allowed on public access roads.

We trust that you find our commitment favorable and look forward to working with you. If you have any further questions and concerns, please don't hesitate to contact me.

Sincerely,

  
Ian Chong, President

cc: Richard Sana, FC Benavente Planners  
Dan Swavely

Ref: GLUC 2016-39 & 40